

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF July 21, 2006

(Published July 29, 2006, in *Finance and Commerce*)

Council Chamber  
350 South 5<sup>th</sup> Street  
Minneapolis, Minnesota  
July 21, 2006 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff, Lilligren, Colvin Roy, Glidden, Remington, Benson, Goodman, President Johnson.

Lilligren moved adoption of the agenda. Seconded.

Adopted upon a voice vote 7/21/2006.

Lilligren moved acceptance of the minutes of the regular meeting of June 30, 2006. Seconded.

Adopted upon a voice vote 7/21/2006.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 7/21/2006.

## PETITIONS AND COMMUNICATIONS

### COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271341)

MacPhail Center for Music Project (501 2nd St S): Final approval to issue bonds for new music & educational facility.

Public Financial Assistance Fee Policy: Amendment to increase application fee; clarification of additional fee.

Grain Belt Housing Project-Phase I: Contract amendment with modified development timetable due to unanticipated archaeological discovery.

Parcel E Liner Project (900 Washington Ave S): One year extension to Rottlund Company, Inc for redevelopment contract.

Cedar Riverside Parking Lot Properties A, B & C: Issuance of Request for Proposals for parking lot operator.

Mpls Housing Replacement TIF District II: Addition of 25 parcels & deletion of 3 parcels.

Northside Fund Cluster Program: Approval of development partners for pilot program; Approval of funding for acquisition & demolition of properties.

Midwest Mountaineering Parcel (1813-3rd St S): Reconsider CD & W&M/Budget Committees' recommendations of 2004 directing staff to prepare parcel for land sale; Authorize one year lease agreement for parcel of land.

**COMMUNITY DEVELOPMENT and INTERGOVERNMENTAL RELATIONS (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271342)

Riverfront Organization Study & Interim Coordination Oversight Structure: Interim riverfront organization concept & appointment of Council Members Ostrow & Hofstede to Riverfront Policy Oversight Task Force.

**COMMUNITY DEVELOPMENT and TRANSPORTATION & PUBLIC WORKS (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271343)

Riverfront East Parcel: Authorizing lease agreement with Park Development Foundation for development of a park; Authorizing amendment to parking agreement with Guthrie Theater Foundation.

**COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271344)

Washington Court Apartments Housing Development (2101 Washington St NE): Washington Court Apartments Housing Development Plan & Tax Increment Finance Plan for construction of 38-unit rental complex;

"Pay-as-you-go" TIF Note; Redevelopment contract business terms; Final authorization for Tax-exempt Multi-family Housing Entitlement Revenue Bonds;

Establishment of Washington Court apartments fund; approval of 2007 administrative budget; authorizing redevelopment contract.

MacPhail Center for Music: Establishing the governmental program;

Acceptance of State of Minnesota grant; Authorizing appropriate documents.

Capital Acquisition Revolving Fund: Guidelines; Request for appropriation increase.

**HEALTH, ENERGY AND ENVIRONMENT:**

CIVIL RIGHTS (271345)

Summer 2006 Outreach and Education Plan.

HEALTH AND FAMILY SUPPORT SERVICES (271346)

Blue Ribbon Panel: Follow-up on the "Recommendations from the Blue Ribbon Panel on Public Health in Minneapolis" Report.

**HEALTH, ENERGY AND ENVIRONMENT (See Rep):**

HEALTH AND FAMILY SUPPORT SERVICES (271347)

Emergency Response and Crisis Management for Public Schools: Execute Memorandum of Agreement with Minneapolis Public Schools for planning for emergency response and crisis management in the schools.

PUBLIC WORKS AND ENGINEERING (271348)

Green Buildings Standards: Adopt Leadership in Energy and Environmental Design (LEED) standards in the planning, design, construction and commissioning of municipal facilities financed by the City of Minneapolis and utilized by the City's Charter Departments.

**HEALTH, ENERGY AND ENVIRONMENT and WAYS & MEANS/BUDGET (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (271349)

Summer Education Program for Minneapolis Youth: Execute contract with Minneapolis Special School District #1 to accept up to \$53,460 to provide summer education program for Minneapolis youth through the Younger Youth STEP-UP Program.

HEALTH AND FAMILY SUPPORT SERVICES (271350)

Public Health Mutual Aid: Execute Mutual Aid Agreement between 11 metropolitan regional jurisdictions for response in public health emergencies during the period July 1, 2006 through December 31, 2011.

**PUBLIC SAFETY AND REGULATORY SERVICES:**

LICENSES AND CONSUMER SERVICES (271351)

The Independent (3001 Hennepin Av): Request from State of Minnesota to revoke On-Sale Liquor Class E with Sunday Sales and Tobacco Dealer Licenses as a result of delinquent unemployment taxes to State.

**PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):**

INSPECTIONS DEPARTMENT (271352)

Chapter 249 Property at 3107 6th St N: Authorize demolition.

INSPECTIONS DEPARTMENT (271353)

Chapter 249 Property at 4659 Bryant Av N: Authorize demolition.

INSPECTIONS DEPARTMENT (271354)

Chapter 249 Property at 5209 6th St N: Authorize demolition.

LICENSES AND CONSUMER SERVICES (271355)

Little Jack's Steak House Restaurant (201 Lowry Av NE): Revoke On-Sale Liquor Class E with Sunday Sales License for failure to submit fee payments and comply with business license management requirements.

Gas Stop (3759 Penn Av N): Grant Grocery, Gasoline and Tobacco Dealer Licenses, subject to conditions.

Imperial Room (417 1st Av N): Grant On-Sale Liquor Class B with Sunday Sales License.

Licenses: Applications.

REGULATORY SERVICES (271356)

Boulevard and Sidewalk Standards: Approve plan to develop standards and criteria for plan development review process.

Dangerous Animals: Ordinance amending Title 4, Chapter 64 of Code relating to Animals and Fowl: Dogs, Cats, Ferrets, and Rabbits, defining terms, requirements, fees and fines for dangerous and potentially dangerous animals; for disposition of animals; and for concealing of dangerous animals; and transferring the authority from the Commissioner of Health to Minneapolis Animal Care and Control.

**PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):**

FIRE DEPARTMENT (271357)

City's Project Heartbeat Program: Execute agreement with Cardiac Science Corporation for marketing partnership arrangement to assist City in promotion of Program; Authorize receive revenue; and Approve appropriation.

POLICE DEPARTMENT (271358)

SafeZone Collaborative: Approve appropriation of \$60,000 donation from US Bancorp; Approve appropriation of \$200,000 in grant funds from State of Minnesota to expand WorkSite system.

PURCHASING (271359)

Chemical Nerve Agent Antidote Bid: OP #6621, accept low responsive bid of Bound Tree Medical for chemical nerve agent antidote auto injection for the Fire Department.

REGULATORY SERVICES (271360)

Rental Licensing: Ordinances amending the Code — Title 12, Chapter 244 relating to Housing: Maintenance Code, increasing rental license fees; changing date to apply administrative fees; and changing the expiration date of all licenses and provisional licenses; Appendix J relating to License Fees Schedule, establishing the annual license fee required for the first dwelling unit; and Staff directive relating to 2007 budget as it related to further increases in fees.

**TRANSPORTATION AND PUBLIC WORKS:**

PUBLIC WORKS AND ENGINEERING (271361)

Quarterly Submittal of Traffic Zones, Restrictions, and Controls: Receive and file report.

Nicollet Avenue South Special Service District: Set public hearing for August 8, 2006, to consider proposed services and service charges for 2006.

XCELENERGY/NSP (271362)

Utility Pole: Install new 50' pole at E 44th St & Stevens Av S for I-35W/Crosstown Commons Project, SR #474803.

**TRANSPORTATION AND PUBLIC WORKS (See Rep):**

PUBLIC WORKS AND ENGINEERING (271363)

West Lake Street Layout: Approve Hennepin County Layout dated June 19, 2006.

**TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):**

PUBLIC WORKS AND ENGINEERING (271364)

Lynnhurst (Northwest Area) Street Renovation Project: Resolutions: a) ordering work to proceed and adopting special assessments; and b) requesting Board of Estimate and Taxation to issue and sell assessment bonds; Comments.

Lake Street East (Hiawatha Av to W River Rd) Reconstruction Project: Enter into Cooperative Construction Agreement with Hennepin County.

Flood Area 27 Flood Mitigation and 28th Av S Reconstruction Projects: Resolutions increasing appropriation and revenue for the projects by \$406,000 and \$490,000.

West Broadway Gateway Entrance Monument: Direct City Engineer to negotiate and execute a City/County Cooperative Agreement.

Columbia Heights Membrane Filtration Plant: Amendment increasing contract with Black and Veatch by \$189,000.

Bids: Accept: a) OP 6615, low responsive bids of SOS Office Furniture and S & T Office Products for ergonomic chairs; b) OP 6622, low bid of Veit & Company, Inc. for baffle wall installation; c) OP 6623, responsive bid of Hawkins, Inc. for hydrochloric acid; and d) OP 6627, low bid of Lino Lakes Landscaping, Inc. to provide turf establishment.

**WAYS AND MEANS BUDGET:**

CITY CLERK (271365)

Ward Blog Sites: Receive and file update report of Council Ward blog site usage.

COUNCIL MEMBER COLVIN ROY (271366)

2006 Assessment for the Special Compensation Fund - 1st half: Receive and file.

2006 - 1st Quarter Financial Status Report: Receive and file.

**WAYS AND MEANS BUDGET (See Rep):**

ATTORNEY (271367)

Legal Settlement: Daryoosh Tirandazi v. William Bonin, Marie Asgian and the City of Minneapolis.

Legal Claim Settlement: Western Water Proofing Company/Marshall Field's Skyway Repair.

Ethical Practices Board: Passage of Resolution establishing committee for employee reporting of ethics and fraud issues.

BUSINESS INFORMATION SERVICES (BIS) (271368)

Computer-Aided Dispatch System: Authorize execution of contract with Hennepin County Medical Center (HCMC), Minneapolis Park Board, and University of Minnesota Police (U of M) to generate revenue over a 5 year period.

COMMUNICATIONS (271369)

Utility Bill Insert: August 2006 insert on behalf of the Minneapolis Elections Office providing 2006 Minneapolis voter information.

COORDINATOR (271370)

New Central Library Project - Change Orders: Approve Change Order No. 5 increasing Contract Number C-21852 with PCL Construction Services, Inc. (\$237,115); Change Order No. 15 increasing Contract Number C-20481 with PCL Construction Services, Inc. (\$109,574); and Change Order No. 13 increasing Contract Number C-20366 with Egan Companies, Inc. d.b.a. Egan Mechanical (\$24,947).

EMERGENCY COMMUNICATIONS CENTER (ECC) (271371)

311 Support Staff: Authorize offer of Step 6 to top candidate for the position of Business Application Analyst II.

FINANCE DEPARTMENT (271372)

2006 Gift Acceptance: Acceptance of 1st and 2nd quarter lists of donations valued under \$1,000.

HUMAN RESOURCES (271373)

Metropass Program: Execute 3-year contract with Metropolitan Council effective August 1, 2006; direct staff to maintain reserve account in the Self Insurance fund; and adjust expense appropriations if needed to reimburse the Self Insurance fund.

REGULATORY SERVICES (271374)

Administrative Analyst II: Authorize hire of Linda Higgins at Step 7, for the Problem Property Unit, 249 Program.

**ZONING AND PLANNING (See Rep):**

HERITAGE PRESERVATION COMMISSION (271375)

Historic Variance:

Brooberg Residence (727 E 24th St): to allow an accessory dwelling and vary the height standard for a carriage house garage.

PLANNING COMMISSION/DEPARTMENT (271376)

Appeal:

Village in Phillips Phase II (re Franklin Station Condominiums-East Building, 2401-2419 Bloomington Ave and 2410 16th Ave S): re decision of CPC approving site plan review condition.

Rezoning:

Village in Phillips Phase II (re Franklin Station Condominiums-East Building, 2401-2419 Bloomington Ave and 2410 16th Ave S).

Cedar Plaza Office Building (4705 Cedar Ave and 4700-4712 Longfellow Ave).

Lofts off Lowry (2415, 2419 and 2423 2nd St NE).

E2 Cityhomes (3445 1st Ave S).

Vacations:

Village in Phillips Phase II (re Franklin Station Condominiums-East Building, 2401-2419 Bloomington Ave and 2410 16th Ave S): alley, for construction of new 24-unit building.

Cedar Plaza Office Building (4705 Cedar Ave and 4700-4712 Longfellow Ave): alley.

Zoning Code Text Amendment:

Ordinance amending Title 20, Chapters 520, 535, 536, 541, 543, 547, 548, 549, 550, to revise zoning code provisions relating to farmers' markets.

**MOTIONS (See Rep):**

PLANNING COMMISSION/DEPARTMENT (271377)

Vacation:

Duane Thorpe (vicinity of 1512 34th St W): Interior boulevard to provide land to adjacent property owners.

**FILED:**

FIRE DEPARTMENT (271378)

Minneapolis Firefighters' Relief Association: Annual Report, 2005 & June, 2006 Articles of Incorporation and By-Laws.

MAYOR (271379)

Interim Police Chief: 90 day re-designation of Tim Dolan, effective July 15, 2006 through October 15, 2006, Receive and file.

Interim Public Works Director/City Engineer: 90 day designation of Steve Kotke, effective July 1, 2006 through October 1, 2006, Receive and file.

**FILED (See Rep):**

COUNCIL MEMBER COLVIN ROY (271380)

Letter from Board of Hennepin County Commissioners: Re Lake Street from Blaisdell to 5th Ave. (see T&PW report of 7/21/2006).

*The following reports were signed by Mayor Rybak on July 21, 2006. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.*

### REPORTS OF STANDING COMMITTEES

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

**Comm Dev** – Your Committee, having under consideration the issuance of revenue bonds for the MacPhail Center for Music for construction of a new 55,000 square foot music education and performing arts facility to be located at 501 - 2nd St S, now recommends passage of the accompanying resolution giving final approval to the issuance of up to \$11.5 million in 501(c)(3) Tax-exempt Revenue Bonds for said project.

Adopted 7/21/2006.

(Published 7/25/2006)

Resolution 2006R-372, providing for the issuance and sale of \$10,500,000 Variable Rate Demand Revenue Bonds for the MacPhail Center for Music Project at 501-2nd St S, Series 2006, and authorizing execution and delivery of various documents, was adopted 7/21/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

#### RESOLUTION 2006R-372

**By Goodman**

**Providing for the issuance and sale of \$10,500,000 Variable Rate Demand Revenue Bonds for the MacPhail Center for Music Project, Series 2006 and authorizing execution and delivery of various documents.**

Resolved by The City Council of The City of Minneapolis:

1. Authority. This City is, by the Constitution and Laws of the State of Minnesota, including Sections 469.152 to 469.165, Minnesota Statutes, as amended (the "Act"), authorized to issue and sell its revenue bonds for the purpose of financing the cost of acquisition and construction of authorized projects and to enter into contracts necessary or convenient in the exercise of the powers granted by the Act.

2. Authorization of Bonds. The City hereby determines that it is necessary and expedient to authorize, and the City does hereby authorize, the issuance and sale of the City's Variable Rate Revenue Bonds (MacPhail Center for Music Project), Series 2006 (the "Bonds") pursuant to the Act to provide money to be loaned to MacPhail Center for Music, a Minnesota nonprofit corporation (the "Borrower") in the aggregate principal amount of Ten Million Five Hundred Thousand Dollars (\$10,500,000) to finance costs of acquiring and constructing the Borrower's new music education facility (the "Project") to be leased to and operated by the Borrower.

3. Documents Presented. Forms of the following documents relating to the Bonds and the Project have been prepared or reviewed by bond counsel, and submitted to the City and are now on file in the office of the City:

(a) Loan Agreement (the "Loan Agreement") dated as of July 1, 2006, between the City and the Borrower, whereby the City agrees to make a loan of the proceeds of the Bonds to the Borrower to finance the Project and the Borrower agrees to pay amounts sufficient to provide for the full and prompt payment of the principal of, premium, if any, and interest on the Bonds;

(b) Indenture of Trust (the "Trust Indenture") dated as of July 1, 2006, between the City and U.S. Bank National Association (the "Trustee"), pledging the revenues to be derived from the Loan Agreement as security for the Bonds, and setting forth proposed recitals, covenants and agreements relating thereto;

(c) Bond Purchase Agreement (the "Bond Purchase Agreement") among the City, the Borrower and Piper Jaffray & Co. (the "Underwriter"); and

(d) Official Statement (the "Official Statement") (the Official Statement is not to be executed by the City).

4. Findings. It is hereby found, determined and declared that:

(a) The Project furthers the purposes and policies of the Act.

(b) The City held a public hearing relating to the Project, the application for approval of the Project was approved by the Commissioner of Employment and Economic Development and, in the opinion of bond counsel based on representations of the Borrower, the Bonds will be qualified Section 501(c)(3) bonds within the meaning of Section 145 of the Code.

(c) The Loan Agreement provides for payments by the Borrower to the Trustee for the account of the City of such amounts as will be sufficient to pay the principal of and interest on the Bonds when due. The Loan Agreement obligates the Borrower to provide for the operation and maintenance of the Project, including adequate insurance, taxes and special assessments. The Loan Agreement further provides for the payment of fees to the City as set forth therein.

(d) The payment of principal and interest on the Bonds is supported by a Letter of Credit to be issued by U.S. Bank National Association.

(e) The Borrower has approved and requested the City to accept the proposal of the Underwriter to purchase the Bonds on the terms set forth herein and in the Bond Purchase Agreement, and the proposal appears feasible and reasonable.

(f) The Bonds are, and are hereby designated to be, program bonds as defined in Resolution No. 88R of the City Council adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

(g) Under the provisions of Section 469.162 of the Act and as provided in the Loan Agreement and Indenture, the Bonds are not to be payable from nor charged upon any funds other than amounts payable pursuant to the Loan Agreement and moneys in the funds and accounts held by the Trustee which are pledged to the payment thereof; the City is not subject to any liability thereon; no holders of the Bonds shall ever have the right to compel the exercise of the taxing power of the City to pay any of the Bonds or the interest thereon, nor to enforce payment thereof against any property of the City; the Bonds shall never constitute an indebtedness of the City, within the meaning of any constitutional, statutory or charter limitation and shall not constitute nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers; the Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City; and each Bond issued under the Trust Indenture shall recite that the Bond, including interest thereon, shall not constitute nor give rise to a charge against the general credit or taxing powers of the City and does not grant to the owner or holder of any Bond the right to have the City levy taxes or appropriate any funds for the payment of principal thereof or the interest or premium, if any, thereon and the Bond is not a general obligation of the City or individual officers or agents thereof.

5. Approval and Execution of Documents. The forms of Indenture, Loan Agreement and Bond Purchase Agreement referred to in paragraph 3 are approved and shall be executed in the name and on behalf of the City by the Finance Officer or the officers authorized to act on behalf of the foregoing officers, in substantially the form on file, but with all such changes therein, not inconsistent with the

Act or other law, as may be approved by the officers executing the same, which approval shall be conclusively evidenced by the execution thereof. The Bonds shall be executed as provided by the Indenture. The Bonds shall contain a recital that they are issued pursuant to the Act and such recital shall be conclusive evidence of their validity and the regularity of their issuance.

6. Certifications. The officers of the City are authorized and directed to prepare and furnish to bond counsel, to the Borrower, to the Underwriter and to counsel for the Borrower and the Underwriter, certified copies of all proceedings and records of the City relating to the Project and the Bonds, and such other affidavits and certificates as may be required to show the facts appearing from the books and records in the officers' custody and control or as otherwise known to them; and all such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the City as to the trust of all statements contained therein.

Adopted 7/21/2006.

**Comm Dev** - Your Committee, having under consideration amendments to the City of Minneapolis Public Financial Assistance Fee Policy, which purpose is to recover public costs associated with review and analysis of requests for tax increment financing, tax abatement and Leveraged Investment Fund assistance, now recommends that said Policy be amended by increasing the application fee from \$1,000 to \$3,000, and clarifying the circumstances under which an additional project analysis fee may be collected.

Adopted 7/21/2006.

**Comm Dev** - Your Committee, having under consideration the Grain Belt Housing Project - Phase 1 and the pre-construction archaeological investigation of the Orth Brewery foundation ruins, now recommends approval of a redevelopment contract amendment with Sheridan Development Company, LLC for a modified development timetable related to the impact of the unanticipated archaeological discovery described in the Department of Community Planning & Economic Development report and that a Right of Entry or short term lease be authorized to allow the developer to place a pre-sales marketing sign on the Phase I site.

Adopted 7/21/2006.

**Comm Dev** - Your Committee recommends approval of a one year extension to the Rottlund Company, Inc, (commencing on 5/15/2006) for the redevelopment contract for the Parcel E Liner Project at 900 Washington Ave S, to allow for the pre-sales commitment to be met.

Adopted 7/21/2006.

**Comm Dev** - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals for a parking lot operator for Cedar Riverside Parking Lot Properties A, B and C, as described in the Department of Community Planning & Economic Development staff report.

Adopted 7/21/2006.

(Published 7/25/2006)

**Comm Dev** - Your Committee recommends passage of the accompanying resolution adding 25 parcels to and deleting 3 parcels from the Housing Replacement Tax Increment Financing District II.

Adopted 7/21/2006.

Resolution 2006R-373, adopting the additions to and deletions of certain parcels from the Minneapolis Housing Replacement Tax Increment Financing District II Plan, was adopted 7/21/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-373**

**By Goodman**

**Adopting the additions to and deletions of certain parcels from the Minneapolis Housing Replacement Tax Increment Financing District II Plan.**

Resolved by The City Council of The City of Minneapolis:

**Section 1. Recitals**

1.1. Pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, the City of Minneapolis (the "City"), acting by and through its department of Community Planning and Economic Development, has been granted the authority to propose and implement city development districts, housing and redevelopment projects and tax increment financing districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174 through 469.179, as amended, and Laws of Minnesota 1995, Chapter 264, Article 5, Sections 44 through 47, as amended by Minnesota Session Laws 1996, Chapter 471, Article 7, Minnesota Session Laws 1997, Chapter 231, Article 10, and Minnesota Session Laws 2002, Chapter 377, Article 7 (the "Act") and other laws enumerated therein (collectively, the "Project Laws"); and

1.2. By Resolution No 2003R-386 duly adopted on August 22, 2003, the City Council of the City (the "Council") adopted a resolution approving the Minneapolis Housing Replacement TIF District II Plan enabling the Agency to establish a Housing Replacement Tax Increment Financing District (the "District") within the City; and

1.3. That the Act and the Plan specify the procedures whereby parcels may be added to and deleted from the District; and

1.4. It has been proposed that the City add twenty-five (25) parcels to the District and delete three (3) parcels previously added to the District.

**Section 2. Findings for the Adoption of the Plan**

2.1. The Council hereby finds, determines and declares that these twenty-five parcels qualify for inclusion in the District pursuant to the Act and the Plan; and that the reasons and supporting facts for this determination are retained and available from the City.

2.2. The Council further finds, determines and declares that the properties to be deleted from the District include two blighted single family homes located at 1108 and 1110 27<sup>th</sup> Avenue North.

2.3. The Council further finds, determines and declares that the intended acquisition of these properties did not take place and redevelopment did not occur, pursuant to the Project Laws.

2.4. The Council further finds, determines and declares that the properties to be added to and certified within the District includes two vacant lots, located at 1415 18<sup>th</sup> Ave NE and 3519 Oliver Ave N.

2.5. The Council further finds, determines and declares that the intended reuse of these properties is market-rate, owner-occupied housing, pursuant to the Project Laws.

2.6. The Council further finds, determines and declares that there will be ~~30-58~~ parcels in the Minneapolis Housing Replacement District TIF II with the inclusion and deletion of the parcels identified on Attachment 1 to this resolution. The maximum number of parcels that can be included in the District is 100 parcels.

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following parcels listed are hereby approved for inclusion and/or deletion as part of the Minneapolis Housing Replacement TIF District II:

**Housing Replacement District II**

**Existing Housing Replacement District II Properties**

1. 2505 Irving Ave N
2. 2509 Irving Ave N

3. 2709 Humboldt Ave N
4. 3010 Queen Ave N
5. 2354 James Ave N
6. 3243 Aldrich Ave N
7. 3210 Aldrich Ave N
8. 3250 6<sup>th</sup> St N
9. 3223 6<sup>th</sup> St N
10. 4515 5<sup>th</sup> Ave S
11. 2750 Thomas Ave N
12. 1900 Willow Ave N-Lowell School Site Assemblage
13. 1418 25<sup>th</sup> Ave N
14. 2627 Fremont Ave N
15. 4301 Bryant Ave N
16. 1014 30<sup>th</sup> Ave N
17. 1316 14<sup>th</sup> Ave N
18. 1400 25<sup>th</sup> Ave N
19. 3246 Emerson Ave N
20. 2300 James Ave N
21. 2127 Queen Ave N
22. 3207 Bryant Ave N
23. 2517 James Ave N
24. 2641 Emerson Ave N
25. 2615 Thomas Ave N
26. 1518 Morgan Ave N
27. 2511 James Ave N
28. 2525 James Ave N
29. 2638 Colfax Ave N
30. 2814 Knox Ave N
31. 2542 17<sup>th</sup> Ave S
32. 2826 14<sup>th</sup> Ave S
33. 3504 Longfellow Ave S

Additions to Existing Housing Replacement District II

1. 3343 Fremont Ave N
2. 630 19<sup>th</sup> Ave NE
3. 2751 Sheridan Ave N
4. 2119 James Ave N
5. 2302 Fremont Ave N
6. 419 31<sup>st</sup> Ave N
7. 427 31<sup>st</sup> Ave N
8. 428 31<sup>st</sup> Ave N
9. 429 31<sup>st</sup> Ave N
10. 1415 18th Ave NE
11. 3519 Oliver Ave N
12. 2534 James Ave N
13. 2530 James Ave N
14. 1620 26<sup>th</sup> Ave N
15. 1712 26<sup>th</sup> Ave N
16. 1716 26<sup>th</sup> Ave N
17. 5207 Girard Ave N
18. 4219 Girard Ave N
19. 3707 Girard Ave N
20. 3700 Girard Ave N
21. 3411 Fremont Ave N

22. 3301 Knox Ave N
23. 3730 Fremont Ave N
24. 3726 Fremont Ave N
25. 3442 Dupont Ave N

Deletions from Existing Housing Replacement District II

1. 1110 27th Ave N
2. 1108 27th Ave N
3. 1919 Monroe St NE

Adopted 7/21/2006.

**Comm Dev** - Your Committee, having under consideration acquisition of blighted properties in the Northside Home Fund Cluster Program, now recommends:

a) That the proper City officers be authorized to 1) approve development partners for the pilot program described in the Department of Community Planning & Economic Development (CPED) staff report; and 2) execute the appropriate documents; and

b) Approval of up to \$1 million of CPED Single Family Housing Vacant & Boarded Program (Community Development Block Grant) funds to approved Northside Home Fund development partners for acquisition and demolition activities consistent with the Northside Home Fund Cluster Program.

Adopted 7/21/2006.

**Comm Dev** - Your Committee recommends that the Community Development and Ways & Means/Budget Committees actions of 12/14/2004 and 12/20/2004 be rescinded which relate to a parcel of land at 1813 - 3rd St S and direct the Department of Community Planning & Economic Development (CPED) staff to prepare a land sale report for the sale of the subject parcel at fair market value to Midwest Mountaineering, Inc.

Your Committee further recommends that the proper City officers be authorized to execute a one-year lease agreement with two one-year renewal options, contingent upon City Council review and approval, between the City and Midwest Mountaineering, Inc for the northwest swath of land with approximate dimensions of 24 feet by 114 feet, named Outlot A, and located on the parcel of land at 1813 - 3<sup>rd</sup> St S (PIN # 25-029-24-23-0064).

Adopted 7/21/2006.

The **COMMUNITY DEVELOPMENT and INTERGOVERNMENTAL RELATIONS** Committees submitted the following report:

**Comm Dev & IGR** - Your Committee, having under consideration the riverfront organization study and interim riverfront coordination oversight structure, now recommends approval of the interim riverfront organization concept which will provide coordinated input and oversight until the organizational study is completed, as described in the Department of Community Planning & Economic Development staff report.

Your Committee further recommends that Council Members Paul Ostrow and Diane Hofstede be appointed as the City Council representatives to the Riverfront Policy Oversight Task Force.

Adopted 7/21/2006.

The **COMMUNITY DEVELOPMENT and TRANSPORTATION & PUBLIC WORKS** Committees submitted the following report:

**Comm Dev & T&PW** - Your Committee recommends that the proper City officers be authorized to execute a lease agreement with the Park Development Foundation for development of a park on the Riverfront East Parcel, which is bounded by W River Pkwy, 11th Ave S and 2nd St S and includes vacated 10th Ave S.

Your Committee further recommends that the proper City officers be authorized to negotiate and execute an amendment to the parking agreement with the Guthrie Theater Foundation, and to execute such other documents and agreements as are reasonably necessary to implement the lease and parking transactions described in the Department of Community Planning & Economic Development staff report.

Adopted 7/21/2006.

(Published 7/25/2006)

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the proposal by MWF Properties, LLC, on behalf of Washington Court Limited Partnership, to construct a 38-unit rental "workforce" family housing complex on vacant land at 2101 Washington St NE, now recommends passage of the accompanying resolutions:

- a) Adopting the Washington Court Apartments Tax Increment Finance (TIF) Plan and the Washington Court Apartments Housing Development Plan;
- b) Adopting the issuance of a "Pay-As-You-Go" Tax Increment Financing Note to Washington Court Limited Partnership in a principal amount not to exceed \$300,000;
- c) Authorizing the issuance of up to \$4,500,000 of Tax Exempt Multi-family Housing Entitlement Revenue Bonds for Washington Court Apartments;
- d) Amending the 2006 General Appropriation Resolution by establishing the Department of Community Planning and Economic Development (CPED) Agency Fund "Washington Court Apartments" (CWC0), and appropriating \$8,000 to the fund.

Your Committee further recommends approval of the 2007 administrative budget for the Washington Court Tax Increment Finance District, and that this item be referred to the 2007 budget process.

Your Committee further recommends approval of the proposed redevelopment contract business terms as described in the CPED staff report, and that the proper City officers be authorized to execute a redevelopment contract with Washington Court Limited Partnership, and related documents based on the terms contained in the CPED report, and all other necessary documents related to the above recommended actions.

Adopted 7/21/2006.

(Published 7/25/2006)

Resolution 2006R-374, adopting the Washington Court Apartments Tax Increment Finance (TIF) Plan and the Washington Court Apartments Housing Development Plan for construction of a 38-unit rental "workforce" family housing complex at 2101 Washington St NE, was adopted 7/21/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-374**  
**By Goodman and Ostrow**

**Adopting the Washington Court Apartments Tax Increment Finance (TIF) Plan and the Washington Court Apartments Housing Development Plan.**

Resolved by The City Council of The City of Minneapolis:

Section 1. Recitals

1.1. Pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, the City of Minneapolis (the "City"), acting by and through its department of Community Planning and Economic Development, has been granted the authority to propose and implement city development districts, housing and redevelopment projects

and tax increment financing (“TIF”) districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174 through 469.179, as amended, and other laws enumerated therein (collectively, the “Project Laws”).

1.2. It has been proposed and the City has prepared, and this Council has investigated the facts with respect to, the Washington Court Apartments Housing Development Plan and the Washington Court Apartments TIF Plan (together, “the Plans”). The Plans create a new TIF district and housing development project to accommodate the activities and financing related to the proposed Washington Court Apartments project, all pursuant to and in accordance with the Project Laws. The Plans designate property to be included within the boundaries of the housing development project and TIF district, establish eligibility, specify land uses, identify a budget for expenditures, reflect project activities and costs, within the area bounded by the project (the “Project Area”), and establish a housing TIF District and housing development project, all pursuant to and in accordance with the Project Laws.

1.3. The City has performed all actions required by law to be performed prior to the adoption of the Plans, including, but not limited to, a review of the proposed Plans by the affected neighborhood group and the City Planning Commission, transmittal of the proposed Plans to the Hennepin County Board of Commissioners and the School Board of Special School District No 1 for their review and comment, and the holding of a public hearing after published and mailed notice as required by law.

1.4. The Council hereby determines that it is necessary and in the best interests of the City at this time to approve the Plans to reflect project activities and costs in the Project Area and TIF District.

## **Section 2. Findings for the Adoption of the Plans**

2.1. The Council hereby finds, determines and declares that the objectives and actions authorized by the Plans are all pursuant to and in accordance with the Project Laws.

2.2. The Council hereby finds, determines and declares that the Plans will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the Project Area and TIF District by private enterprise.

2.3. The Council hereby finds, determines and declares that the Washington Court Apartments project is necessary to alleviate a shortage of decent, safe, and sanitary housing for persons of low or moderate income and their families as such income is determined in accordance with the Project Laws. It is found that there is a shortage of affordable housing in Minneapolis and in the metropolitan region as a whole. The need for affordable rental housing has increased along with the growth in the city's population and number of households. The local economy has also experienced growth that has added to the demand for workforce housing.

Further, it has been reported that low income households pay more than they can afford for housing, and further, that demographic trends will result in more than 60,000 new metro area low income households seeking affordable housing by 2010, with the private market satisfying 40 percent of the increased demand for affordable housing, resulting in a shortfall of more than 36,000 units. The City of Minneapolis' *Consolidated Plan for Housing and Community Development* estimates there is a shortage of 7,068 affordable rental units for Minneapolis residents earning 30% or less of metropolitan median family income, and that although the number of rental housing units affordable to very low income households has increased since 1990, vacancy rates have decreased over that time period. A market study conducted by Maxfield Research Inc. identified demand for 411 affordable rental housing units through 2010 in the Washington Court Apartments market area. After accounting for units that will be added by pending developments, the study found excess demand for nearly 300 affordable rental housing units in the market area between 2005 and 2010. It is projected that the Washington Court Apartments project could capture 20% of the demand.

More specific information about these reports can be found in Exhibit 2 of the Washington Court Apartments Housing Development Plan.

2.4. The Council further finds, determines and declares that the Washington Court Apartments TIF District is a housing district pursuant to Minnesota Statutes, Section 469.174, Subdivision 11, and 469.1761, Subdivisions 1 and 2. The proposed district is located within the Washington Court Apartments Housing Development Project, under provisions of Minnesota Statutes, §469.002, Subdivision 15, §469.174, Subdivision 11, and §469.1761.

2.5. The Council hereby finds, determines and declares that the City adopted a Unified Housing Policy which recognizes the serious shortage of affordable housing in Minneapolis and puts forth the goal to “grow the population and to have no net loss of housing across all income levels”. The Unified Housing Policy also states the City will focus on linking incentives to housing opportunities in proximity to jobs and transit. Development of the project will benefit residents by providing more housing choices as the project will provide new quality housing to low and moderate income residents located directly on a major transit bus line. Since there will be 8 units at or below 50% of Metropolitan Median Income (MMI), this project complies with the City Affordable Housing Policy, which requires at least 8 affordable units (i.e. 20% of 38). In addition, all 38 units are affordable at or below 60% of area median income for a total of 38 low income (100%) affordable units. It is therefore found that the establishment of the Washington Court Apartments TIF District is fully justified to facilitate public development activities and expenditures to lessen the current shortage of decent, safe, and affordable housing for low and moderate income households in Minneapolis.

2.6. According to Minnesota Statutes, Section 469.174, Subdivision 11, and Section 469.1761, in order to establish a housing TIF district, no more than 20% of the square footage of buildings that receive assistance from tax increments may consist of commercial, retail, or other nonresidential uses. The total square footage of the development will be residential.

2.7. The Council further finds, determines and declares that the Plans conform to the general plan for the development or redevelopment of the City as a whole. Written comments of the Planning Commission with respect to the Plans were issued, are incorporated herein by reference, and are on file in the office of the City Clerk.

2.8. The Council further finds, determines and declares that the use of tax increment financing is deemed necessary as the proposed development would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future and that the increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in the market value estimated to result from the proposed development after subtracting the present value of the projected tax increment for the maximum duration of the district permitted by the TIF plan. Because it is the opinion of the City that the proposed Project to be financed, in part, by this TIF District would not occur solely through private investment at this time, the City projects that the estimated market value of the site without the use of tax increment would remain at its present level. The calculations necessary to pass this test are contained in the TIF Plan. The public redevelopment activity, expenditures, and market values associated with the development proposed in the TIF Plan results in a series of calculations and figures that clearly pass the market value test. It is therefore the opinion of the City that the proposed development in this TIF District could not occur solely through private investment within the foreseeable future. The Council further finds, determines and declares that the land in the Project Area and TIF District would not be made available for development without the financial aid to be sought.

2.9. The Council further finds, determines and declares that the entire fiscal disparity contribution required of the City for development occurring within this district be taken from outside the Washington Court Apartments TIF District. Due to the level of required subsidy for this project, using a portion of the tax increment generated from this project to pay fiscal disparities is not financially viable and would stop the proposed project from developing. The election provided in the Minnesota Statutes Section 469.177, Subdivision 3, paragraph (a) is elected.

2.10. The Council finds additional public benefits alleviate a shortage of decent, safe and sanitary housing for persons of low or moderate income and their families, increases the number of housing units and choices within the city, remediates site contamination in accordance with state and federal regulations, supports strong and diverse neighborhoods where people choose to live, and is necessary in order to finance a portion of the public redevelopment activities essential to implement the project, and further, tax increment assistance is being utilized to subsidize the extraordinary cost of providing affordable rental housing at this site.

2.11. The Council further finds, determines and declares that it is necessary and in the best interests of the City at this time to approve the Plans.

**Section 3. Approval of the Plans**

3.1. Based upon the findings set forth in Section 2 hereof, the Plans presented to the Council on this date are hereby approved and shall be placed on file in the office of the City Clerk.

**Section 4. Implementation of the Plans**

4.1. The officers and staff of the City, and the City's consultants and counsel, are authorized and directed to proceed with the implementation of the Plans, and for this purpose to negotiate, draft, prepare and present to this Council for its consideration, as appropriate, all further modifications, resolutions, documents and contracts necessary for this purpose.

Adopted 7/21/2006.

Resolution 2006R-375, authorizing the issuance of a tax increment limited revenue note in substantially the form recited herein in a principal amount not exceeding \$300,000 in connection with the Washington Court Apartments Housing Project at 2101 Washington St NE, was adopted 7/21/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-375  
By Goodman and Ostrow**

**Authorizing the issuance of a tax increment limited revenue note in substantially the form recited herein in a principal amount not exceeding \$300,000 in connection with the Washington Court Apartments Housing Project.**

Whereas, the City of Minneapolis (the "City"), acting pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, has certain powers, including without limitation the powers set forth in Minnesota Statutes, Sections 469.001 through 469.047, as amended (the "HRA Act") and Minnesota Statutes, Sections 469.174 through 469.179, as amended (the "TIF Act"); and

Whereas, in furtherance of the objectives of the HRA Act, the City has undertaken programs for the clearance and reconstruction or rehabilitation of blighted, deteriorated, deteriorating, vacant, unused, underused or inappropriately used, areas of the City, and the development of housing for persons of low and moderate incomes, and in this connection the City is carrying out a housing development project known as the Washington Court Apartments Housing Development Project (the "Project") pursuant to the Washington Court Apartments Development Plan dated May 26, 2006, revised June 2, 2006 and adopted July 21, 2006 (the "Redevelopment Plan"); and

Whereas, pursuant to the TIF Act and in furtherance of the Redevelopment Plan, the City has approved the Washington Court Apartments Tax Increment Finance Plan dated May 26, 2006 and adopted July 21, 2006 (the "TIF Plan"); and

Whereas, pursuant to the TIF Plan and the TIF Act, specifically Minnesota Statutes, Section 469.178, subd. 4, the City is authorized to issue its tax increment limited revenue note(s) to finance the public redevelopment costs of the Project; and

Whereas, the City has entered or will enter into a redevelopment contract (the "Redevelopment Contract") with Washington Court Limited Partnership, a Minnesota limited partnership (the "Developer"), pursuant to which the City will provide tax increment financing assistance and the Developer will develop a 38-unit rental housing project, with 38 affordable housing units, and related site and public improvements;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That it is desirable that the City issue a tax increment limited revenue note (the "Note") in substantially the following form:

[Form of Note]

UNITED STATES OF AMERICA  
STATE OF MINNESOTA  
COUNTY OF HENNEPIN  
CITY OF MINNEAPOLIS

TAX INCREMENT LIMITED REVENUE NOTE  
(Washington Court Housing Project)

The City of Minneapolis (the "City"), hereby acknowledges itself to be obligated and, for value received, promises to pay to the order of Washington Court Limited Partnership, a Minnesota limited partnership (the "Developer"), solely from the source, to the extent, and in the manner hereinafter provided, the principal amount of this Note, being Three Hundred Thousand and No/100 Dollars (\$300,000.00) or such lesser amount as may equal the certified Public Costs, with interest at the Note Rate, in the installments specified in this Note, on the Payment Dates.

Capitalized terms not defined elsewhere in this Note shall have the meanings below:

**"Available Tax Increment"** means the Tax Increment received by the City during the period preceding each Payment Date, less (i) the amount of Tax Increment, if any, which the City must pay to the school district, the county and the state pursuant to *Minnesota Statutes*, Sections 469.177, Subds. 9, 10, and 11; 469.176, Subd. 4h; and 469.175, Subd. 1a, as the same may be amended from time to time; and (ii) actual administrative costs of the City in an amount not to exceed 10% of the Tax Increment.

**"Certificate of Completion"** means a Certificate issued by the City to the Developer pursuant to Section 5.04 of the Contract certifying that Minimum Improvements have been substantially completed.

**"Contract"** means that certain Redevelopment Contract by and between the City and the Developer dated *[insert date]*, 2006.

**"Declaration of Restrictive Covenants"** means the Declaration of Restrictive Covenants executed by the Developer in favor of the City dated \_\_\_\_\_, 2006 that is filed against the property.

**"Development Project"** means the Washington Court Apartments Housing Development Project, which includes the Property.

**"District"** means the Washington Court Apartments Tax Increment Financing District within the Development Project.

**"Maturity Date"** means the earlier of (i) February 1 of the year following the final year of Tax Increment collection from the District; and (ii) the date when the principal and interest amount of this Note has been paid in full.

**"Minimum Improvements"** means new construction of 38 workforce rental housing units, 40 underground and 16 surface parking stalls and related improvements as described in the Contract.

**"Note Rate"** means \_\_\_\_\_ (\_\_\_\_%) per annum.

**"Payment Date"** means August 1 of the year of first increment collection from the District and each August 1 and February 1 thereafter until the Maturity Date, provided that in no event will any payment date occur before the City's issuance of the Certificate of Completion under the terms of the Contract.

**"Property"** means the real property legally described in the attached **Exhibit A**, upon which the Minimum Improvements will be constructed.

**"Public Costs"** means actual Public Costs as defined in the Contract, not in excess of \$300,000 related to the Minimum Improvements and which are approved by the City pursuant to the Contract.

**"Public Costs Certification"** means a certificate in substantially the form attached to the Contract, by which the City certifies the Public Costs pursuant to the terms of the Contract.

**"Tax Increment"** means that portion of the property taxes generated by the Property and Minimum Improvements that is actually remitted to the City as tax increment under the Tax Increment Act.

**"Tax Increment Act"** means *Minnesota Statutes*, Section 469.174-469.1799, as amended, or any successor statutes applicable to the District.

On each Payment Date, the City shall pay the Developer an installment equal to the lesser of (i) the Available Tax Increment or (ii) the amount necessary to pay the accrued unpaid interest and the unpaid principal amount of this Note in full. If, after issuance of the Certificate of Completion the Developer is in default under the Contract or Declaration of Restrictive Covenants, and, after notice by the City to the Developer as provided in Section 9.02 of the Contract, such default has not been cured within the time period provided in the Contract, then the City may suspend payment on this Note until the default is cured or the City's obligations under this Note are terminated. If payments are suspended due to a Default under the Declaration of Restrictive Covenants, the City is not obligated to pay to the Developer the amount of the suspended payments that would otherwise have been paid to the Developer between the date the payment is suspended and the date the default is cured. Otherwise, if the City suspends payments due under this Note, the City shall make the suspended payments to the Developer within ten (10) business days after the Developer's cure of the Default to the City's satisfaction. In no event is the City obligated to pay interest on the amount of the suspended payments between the date the payment is suspended and the last date on which the City is obligated to make the suspended payment to the Developer. To the extent that on any Payment Date there is insufficient Available Tax Increment to make a scheduled payment, such failure to make a scheduled payment shall not constitute a default under this Note. If the Developer or other Minimum Improvements' owner fails to pay all or a portion of the property taxes due and owing on the Minimum Improvements, then upon such failure to pay, no interest as required by the Note shall accrue on an amount equal to the amount of the Available Tax Increment that would have been paid to the City had such property tax amounts been paid.

Interest shall accrue on the initial principal amount of this Note from the date of issue of the Public Costs Certification. Each payment under this Note, whether a scheduled payment or any other payment, shall be applied first to current interest, then to accrued unpaid interest and then to the unpaid principal amount of this Note.

On the Maturity Date, this Note shall be deemed paid in full and the City shall have no further obligation under this Note even if the aggregate of the Available Tax Increment that has actually been paid to the Developer on the Payment Dates is less than the full principal and interest amount of this Note. The obligation of the City to make any scheduled payment shall terminate if and to the extent that the full principal and interest amount of this Note has been paid in full. This Note may be prepaid in full or in part at any time without penalty.

Each payment on this Note is payable in any coin or currency of the United States of America which on the date of such payment is legal tender for public and private debts and shall be made by wire transfer, check or draft made payable to the Developer and mailed to the Developer at 1115 Second Avenue South, , Minneapolis, MN 55403, or such other address as the Developer shall provide in writing to the City's notice address as set forth in the Contract.

The Note is a special and limited obligation and not a general obligation of the City, which has been issued by the City pursuant to and in full conformity with the Constitution and laws of the State of Minnesota, including *Minnesota Statutes*, Section 469.178, subdivision 4, to aid in financing a "project", as therein defined, of the City consisting generally of defraying certain public redevelopment costs incurred by the Developer within and for the benefit of the Project.

**THE NOTE IS NOT A DEBT OF THE STATE OF MINNESOTA (THE "STATE"), OR ANY POLITICAL SUBDIVISION THEREOF, INCLUDING THE CITY OF MINNEAPOLIS, MINNESOTA, EXCEPT THAT THE CITY SHALL BE OBLIGATED TO MAKE PAYMENTS FROM AVAILABLE TAX INCREMENT AS SET FORTH HEREIN, AND NEITHER THE STATE NOR ANY POLITICAL SUBDIVISION THEREOF, INCLUDING THE CITY, SHALL BE LIABLE ON THE NOTE, EXCEPT FOR THE CITY'S OBLIGATION TO MAKE PAYMENTS FROM AVAILABLE TAX INCREMENT AS SET FORTH HEREIN, NOR SHALL THE NOTE BE PAYABLE OUT OF ANY FUNDS OR PROPERTIES OTHER THAN AVAILABLE TAX INCREMENT AS SET FORTH HEREIN.**

This Note shall not be transferred to any person, unless the City has been provided with an opinion of counsel acceptable to the City that such transfer is exempt from registration and official statement delivery requirements of federal and applicable state securities law and an investment letter reasonably acceptable to the City.

This Note shall not be payable from or constitute a charge upon any funds of the City, and the City shall not be subject to any liability hereon or be deemed to have obligated itself to pay hereon from any funds except the Available Tax Increment, and then only to the extent and in the manner herein specified.

The Developer shall never have or be deemed to have the right to compel any exercise of any taxing power of the City or of any other public body, and neither the City nor any person executing or registering this Note shall be liable personally hereon by reason of the issuance of registration thereof or otherwise.

**IT IS HEREBY CERTIFIED AND RECITED** that all acts, conditions and things required by the Constitution and the laws of the State of Minnesota to be done, to have happened, and to be performed precedent to and in the issuance of this Note have been done, have happened, and have been performed in regular and due form, time, and manner as required by law; that this Note is issued pursuant to the Tax Increment Act; and that this Note together with all other indebtedness of the City outstanding on the date hereof and on the date of its actual issuance and delivery, does not cause the indebtedness of the City to exceed any constitutional or statutory limitation thereon.

**IN WITNESS WHEREOF**, the City of Minneapolis, by action of its City Council, has caused this Note to be executed by the manual signature of its Finance Officer, and has caused this Note to be dated \_\_\_\_\_, 2006.

**CITY OF MINNEAPOLIS**

By \_\_\_\_\_  
Patrick Born  
Its Finance Officer

Approved as to form:

\_\_\_\_\_  
Assistant City Attorney

**EXHIBIT A TO NOTE**

**Description of the Property**

Tract A, Registered Land Survey No. 1206, Files of Registrar of Titles, County of Hennepin.

Be It Further Resolved that the form of the Note is hereby approved and shall be executed by the Finance Officer in substantially the form on file, with such changes therein not inconsistent with law as the Finance Officer may approve, which approval shall be conclusively evidenced by the execution thereof.

Be It Further Resolved that all actions of the members, employees and staff of the City heretofore taken in furtherance of the issuance of the Note are hereby approved, ratified and confirmed.

Be It Further Resolved that the sale of said Note to the Developer is hereby approved, and the Note is hereby directed to be sold to the Developer, upon the terms and conditions set forth in the Redevelopment Contract.

Be It Further Resolved that the Finance Officer is hereby authorized and directed to execute such other documents, agreements and certificates as may be required in connection with the Note.

Be It Further Resolved that no provision, covenant or agreement contained in the aforementioned documents, the Note or in any other document related to the Note, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the tax increment revenues which are to be applied to the payment of the Note, as provided therein and in the Redevelopment

Contract. The Note shall not constitute a charge, lien or encumbrance, legal or equitable upon any property or funds of the City except that revenue and proceeds pledged to the payment thereof, nor shall the City be subject to any liability thereon. The holders of the Note shall never have the right to compel any exercise of the taxing power of the City to pay the outstanding principal on the Note or the interest thereon, or to enforce payment hereon against any property of the City. The Note shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation.

Be It Further Resolved that the Note, when executed and delivered, shall contain a recital that it is issued pursuant to the TIF Act, and such recital shall be conclusive evidence of the validity of the Note and the regularity of the issuance thereof, and that all acts, conditions and things required by the laws of the State of Minnesota relating to the adoption of this resolution, to the issuance of the Note and to the execution of the aforementioned documents to happen, exist and be performed precedent to and in the enactment of this resolution, and precedent to issuance of the Note and precedent to the execution of the aforementioned documents have happened, exist and have been performed as so required by law.

Be It Further Resolved that this resolution shall be in full force and effect from and after its date of publication.

Adopted 7/21/2006.

Resolution 2006R-376, authorizing the issuance, sale, and delivery of its Multifamily Housing Revenue Notes for the Washington Court Project at 2101 Washington St NE, Series 2006A and Series 2006B, payable solely from revenues pledged thereto; approving the form of and authorizing the execution and delivery of the notes and related documents; providing for the security, rights, and remedies with respect to the notes; and establishing compliance with certain reimbursement regulations under the Internal Revenue Code of 1986, as amended; and granting approval for certain other actions with respect thereto, was adopted 7/21/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-376**  
**By Goodman and Ostrow**

**Authorizing the issuance, sale, and delivery of its Multifamily Housing Revenue Notes (Washington Court Project), Series 2006A and Series 2006B, payable solely from revenues pledged thereto; approving the form of and authorizing the execution and delivery of the notes and related documents; providing for the security, rights, and remedies with respect to the notes; and establishing compliance with certain reimbursement regulations under the Internal Revenue Code of 1986, as amended; and granting approval for certain other actions with respect thereto.**

Whereas, the City of Minneapolis, Minnesota (the "City"), is a municipal corporation and political subdivision duly organized and existing under its charter and the Constitution and laws of the State of Minnesota; and

Whereas, pursuant to Minnesota Statutes, Chapter 462C, as amended (the "Act"), the City is authorized to carry out the public purposes described in the Act by issuing revenue obligations to finance or refinance multifamily housing developments located within the City, and as a condition to the issuance of such revenue obligations, adopt a housing program providing the information required by Section 462C.03, subdivision 1a, of the Act; and

Whereas, in the issuance of the City's revenue obligations and in the making of a loan to finance a multifamily housing development the City may exercise, within its corporate limits, any of the powers that the Minnesota Housing Finance Agency may exercise under Minnesota Statutes, Chapter 462A, as amended, without limitation under the provisions of Minnesota Statutes, Chapter 475, as amended; and

Whereas, Washington Court, Limited Partnership, a Minnesota limited partnership (the "Borrower"), whose general partner is Washington Group LLC, a Minnesota limited liability company, has requested that the City issue its revenue obligations under the Act and lend the proceeds thereof to the Borrower to finance the following: (i) acquisition and construction of a 38-unit multifamily rental housing development and facilities functionally related and subordinate thereto (the "Project") comprised of a three-story building located at 2101 Washington Street N. E. in the City; and (ii) the payment of certain costs related to the issuance of the obligations; and

Whereas, the Project is designed and intended to be used primarily for rental to and occupancy by persons and families of low and moderate income; and

Whereas, the City has prepared a housing program (the "Housing Program" or "Program"), a copy of which is on file with the City, to authorize the issuance by the City of up to \$4,500,000 in revenue obligations to finance the acquisition, construction, and equipping by the Borrower of the Project; and

Whereas, the Housing Program was prepared and submitted to the Metropolitan Council for its review; and

Whereas, a notice of public hearing (the "Public Notice") was published in *Finance and Commerce*, the official newspaper and a newspaper of general circulation in the City, with respect to: (i) the required public hearing under Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"); (ii) the Housing Program; and (iii) approval of the issuance of the Notes, as hereinafter defined; and

Whereas, the Public Notice was published at least fifteen (15) days before the regularly-scheduled meeting of the Community Development Committee of the City Council of the City and on February 28, 2006, the Community Development Committee of the City Council conducted a public hearing at which a reasonable opportunity was provided for interested individuals to express their views, both orally and in writing, on (i) the Housing Program, (ii) the proposed issuance of the housing revenue obligations, in an aggregate principal amount not to exceed \$4,500,000, and (iii) the location and nature of the Project; and

Whereas, Pursuant to Resolution No. 2006R-100, adopted by the City Council of the City on March 10, 2006, the City Council approved the Housing Program and provided preliminary approval for the sale and issuance of revenue obligations, in an aggregate principal amount not to exceed \$4,500,000, to assist in financing the Project; and

Whereas, the Borrower has requested that the City issue, sell, and deliver its: (i) Multifamily Housing Revenue Note (Washington Court Project), Series 2006A, in the original aggregate principal amount of approximately \$3,170,000 (the "Series 2006A Note"); and (ii) Multifamily Housing Revenue Note (Washington Court Project), Series 2006B, in the original aggregate principal amount of approximately \$980,000 (the "Series 2006B Note" and together with the Series 2006A Note, the "Notes"); and

Whereas, the Notes are proposed to be purchased by U.S. Bank National Association, as original purchaser of the Notes (the "Purchaser"); and

Whereas, the proceeds derived from the sale of the Notes will be loaned by the City to the Borrower pursuant to the terms of a Loan Agreement, dated on or after August 1, 2006 (the "Loan Agreement"), between the City and the Borrower, whereby the City will apply the proceeds derived from the sale of the Series 2006A Note and the Series 2006B Note to fund a loan to the Borrower (the "Loan"); and

Whereas, the proceeds of the Loan will be applied to the acquisition and construction of the Project and the payment of certain costs related to the issuance of the Notes; and

Whereas, pursuant to a Pledge Agreement, dated on or after August 1, 2006 (the "Pledge Agreement"), between the City and the Lender, the City will pledge and grant a security interest in all of its rights, title, and interest in the Loan Agreement to the Purchaser (except for certain rights of indemnification and to reimbursement for certain costs and expenses); and

Whereas, the Borrower shall provide such security to the Purchaser as is required by the Purchaser as a condition to its purchase of the Notes; and

Whereas, the Notes and the interest on the Notes: (i) shall be payable solely from the revenues pledged therefor; (ii) shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation; (iii) shall not constitute nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers; (iv) shall not constitute a charge, lien, or encumbrance, legal

or equitable, upon any property of the City other than the City's interest in the Project and the Loan Agreement; and (v) shall not constitute a general or moral obligation of the City;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

1. The City acknowledges, finds, determines, and declares that the issuance of the Notes is authorized by the Act and is consistent with the purposes of the Act and that the issuance of the Notes, and the other actions of the City under the Notes, the Loan Agreement, and this resolution constitute a public purpose and are in the best interests of the City. In authorizing the issuance of the Notes for the financing of the Project and the related costs, the City's purpose is and the effect thereof will be to promote the public welfare of the City and its residents by providing multifamily housing developments for low income residents of the City and otherwise furthering the purposes and policies of the Act.

2. The City understands that the Borrower will pay directly or through the City any and all costs (including attorneys' fees) incurred by the City in connection with the Program, whether or not the Project is completed, and whether or not the Notes are issued.

3. For the purposes set forth above, there are hereby authorized the issuance, sale, and delivery of the Series 2006A Note, in an original aggregate principal amount of approximately \$3,170,000, and the Series 2006B Note, in an original aggregate principal amount of approximately \$980,000. The Notes shall bear interest at the rates, shall be designated, shall be numbered, shall be dated, shall mature, shall be subject to redemption prior to maturity, shall be in such form, and shall have such other terms, details, and provisions as are prescribed in the Notes, in the forms now on file with the City, with the amendments referenced herein. The City hereby authorizes the Notes to be issued, in whole or in part, as "tax-exempt obligations," the interest on which is not includable in gross income for federal and State of Minnesota income tax purposes.

All of the provisions of the Notes, when executed as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Notes shall be substantially in the forms on file with the City, which forms are hereby approved, with such necessary and appropriate variations, omissions, and insertions (including changes to the aggregate principal amount of the Notes, the stated maturities of the Notes, the interest rates on the Notes, and the terms of redemption of the Notes), as the Finance Officer (the "Finance Officer"), in his discretion, shall determine. The execution of the Notes with the manual or facsimile signature of the Finance Officer and the delivery of the Notes by the City shall be conclusive evidence of such determination.

4. The Notes shall be special, limited obligations of the City payable solely from the revenues provided by the Borrower pursuant to the Loan Agreement, and other funds pledged by the Borrower and related or affiliated parties. The City Council of the City hereby authorizes and directs the Finance Officer to execute the Loan Agreement, the Pledge Agreement, and the Notes, to deliver the Loan Agreement to the Borrower and the Notes and the Pledge Agreement to the Purchaser, and hereby provides that the Notes, the Loan Agreement, and the Pledge Agreement shall provide the terms and conditions, covenants, rights, obligations, duties, and agreements of the Purchaser, the City and the Borrower as set forth therein.

All of the provisions of the Loan Agreement, when executed as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Loan Agreement shall be substantially in the form on file with the City, which is hereby approved, with such necessary and appropriate variations, omissions and insertions as do not materially change the substance thereof, and as the Finance Officer, in his discretion, shall determine, and the execution thereof by the Finance Officer shall be conclusive evidence of such determination.

All of the provisions of the Pledge Agreement, when executed as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Pledge Agreement shall be substantially in the form on file with the City, which is hereby approved, with such necessary and appropriate variations, omissions and insertions as do not materially change the substance thereof, and as the Finance Officer, in his discretion, shall determine, and the execution thereof by the Finance Officer shall be conclusive evidence of such determination.

5. The Project constitutes a “qualified residential rental project” within the meaning of Section 142(d) of the Code, and a “multifamily housing development” within the meaning of the Act, and furthers the purposes of the Act. To ensure compliance with certain rental and occupancy restrictions imposed by the Act and Section 142(d) of the Code, the City shall enter into a Regulatory Agreement, dated on or after August 1, 2006 (the “Regulatory Agreement”), between the City and the Borrower. All of the provisions of the Regulatory Agreement, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Regulatory Agreement shall be substantially in the form on file with the City which is hereby approved, with such omissions and insertions as do not materially change the substance thereof, or as the Finance Officer, in his discretion, shall determine, and the execution thereof by the Finance Officer shall be conclusive evidence of such determination.

6. The Notes shall be special, limited revenue obligations of the City, the proceeds of which shall be disbursed pursuant to the terms of the Loan Agreement, and the principal, premium, and interest on the Notes shall be payable solely from the proceeds of the Notes, the revenues derived from the Loan Agreement, and the other sources expressed pledged to the payment of the Notes.

7. The United States Department of the Treasury has promulgated Treasury Regulations, Section 1.150-2 (the “Regulation”) governing the use of the proceeds of tax-exempt obligations, all or a portion of which are to be used to reimburse the City or a borrower from the City for project expenditures paid prior to the date of issuance of such obligations. The Regulation requires that the City adopt a statement of official intent to reimburse an original expenditure not later than sixty (60) days after payment of the original expenditure. The Regulation also generally requires that the obligations be issued and the reimbursement allocation made from the proceeds of the obligations within eighteen (18) months after the later of: (i) the date the expenditure is paid; or (ii) the date the project is placed in service or abandoned, but in no event more than three (3) years after the date the expenditure is paid. The Regulation generally permits reimbursement of capital expenditures and costs of issuance of the obligations.

The City expects that a portion of the costs of the Project will be expended prior to the date of issuance of the Notes. The City reasonably expects to reimburse the Borrower for such expenditures from the proceeds of the Notes after the date of issuance of the Notes. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Notes, or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations and also qualifying expenditures under the Act.

Based on representations by the Borrower, other than (i) expenditures to be paid or reimbursed from sources other than the Notes, (ii) expenditures permitted to be reimbursed under prior regulations pursuant to the transitional provision contained in Section 1.150-2(j)(2)(i)(B) of the Regulations, (iii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iv) expenditures in a “de minimus” amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures with respect to the Project to be reimbursed from the proceeds of the Notes have been made by the Borrower more than sixty (60) days before the date of adoption of this resolution.

Based on representations by the Borrower, as of the date hereof, there are no funds of the Borrower reserved, allocated on a long term-basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Project to be financed from proceeds of the Notes, other than pursuant to the issuance of the Notes. This resolution, therefore, is determined to be consistent with the budgetary and financial circumstances of the Borrower as they exist or are reasonably foreseeable on the date hereof.

8. The City has established a governmental program of acquiring purpose investments for qualified residential rental projects. The governmental program is one in which the following requirements of Section 1.148-1(b) of the Treasury Regulations relating to tax-exempt obligations shall be met: (i) the program involves the origination or acquisition of purpose investments; (ii) at least ninety-five percent (95%) of the cost of the purpose investments acquired under the program represents one or more loans to a substantial number of persons representing the general public, states or political subdivisions,

501(c)(3) organizations, persons who provide housing and related facilities, or any combination of the foregoing; (iii) at least ninety-five percent (95%) of the receipts from the purpose investments are used to pay principal, interest, or redemption prices on issues that financed the program, to pay or reimburse administrative costs of those issues or of the program, to pay or reimburse anticipated future losses directly related to the program, to finance additional purpose investments for the same general purposes of the program, or to redeem and retire governmental obligations at the next earliest possible date of redemption; and (iv) the program documents prohibit any obligor on a purpose investment financed by the program or any related party to that obligor from purchasing Notes of an issue that finances the program in an amount related to the amount of the purpose investment acquired from the obligor; and the City shall not waive the right to treat the investment as a program investment.

9. The Finance Officer is hereby authorized to execute and deliver, on behalf of the City, such other documents as are necessary or appropriate in connection with the issuance, sale, and delivery of the Notes, including a City Tax Certificate, an Information Return for Tax-Exempt Private Activity Note Issues, Form 8038, and all other documents and certificates as shall be necessary and appropriate in connection with the issuance, sale, and delivery of the Notes. The City hereby approves the execution and delivery by the Purchaser of all instruments, certificates, and documents prepared in conjunction with the issuance of the Notes that require execution by the Purchaser. The City hereby authorizes Kennedy & Graven, Chartered, as bond counsel of the City, to prepare, execute, and deliver its approving legal opinions with respect to the Notes.

10. Except as otherwise provided in this resolution, all rights, powers, and privileges conferred and duties and liabilities imposed upon the City or the City Council by the provisions of this resolution or of the aforementioned documents shall be exercised or performed by the City or by such members of the City Council, or such officers, board, body or agency thereof as may be required or authorized by law to exercise such powers and to perform such duties.

No covenant, stipulation, obligation or agreement herein contained or contained in the aforementioned documents shall be deemed to be a covenant, stipulation, obligation or agreement of any member of the City Council of the City, or any officer, agent or employee of the City in that person's individual capacity, and neither the City Council of the City nor any officer or employee executing the Notes shall be personally liable on the Notes or be subject to any personal liability or accountability by reason of the issuance thereof.

No provision, covenant or agreement contained in the aforementioned documents, the Notes, or in any other document relating to the Notes, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to a general or moral obligation of the City or any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants, and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the Loan Agreement and certain tax increment revenues which are to be applied to the payment of the Notes, as provided therein.

11. Except as herein otherwise expressly provided, nothing in this resolution or in the aforementioned documents expressed or implied, is intended or shall be construed to confer upon any person or firm or corporation, other than the City and any holder of the Notes issued under the provisions of this resolution, any right, remedy or claim, legal or equitable, under and by reason of this resolution or any provisions hereof, this resolution, the aforementioned documents, and all of their provisions being intended to be and being for the sole and exclusive benefit of the City and any holder from time to time of the Notes issued under the provisions of this resolution.

12. In case any one or more of the provisions of this resolution, other than the provisions contained in Section 6 hereof, or of the aforementioned documents, or of the Notes issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this resolution, or of the aforementioned documents, or of the Notes, but this resolution, the aforementioned documents, and the Notes shall be construed and endorsed as if such illegal or invalid provisions had not been contained therein.

13. The Notes, when executed and delivered, shall contain a recital that they are issued pursuant to the Act, and such recital shall be conclusive evidence of the validity of the Notes and the regularity of the issuance thereof, and that all acts, conditions, and things required by the laws

of the State of Minnesota relating to the adoption of this resolution, to the issuance of the Notes, and to the execution of the aforementioned documents to happen, exist, and be performed precedent to the execution of the aforementioned documents have happened, exist, and have been performed as so required by law.

14. The officers of the City, bond counsel, other attorneys, engineers, and other agents or employees of the City are hereby authorized to do all acts and things required of them by or in connection with this resolution, the aforementioned documents, the Notes for the full, punctual, and complete performance of all the terms, covenants, and agreements contained in the Notes, the aforementioned documents, and this resolution. If for any reason the Finance Officer is unable to execute and deliver the documents referred to in this resolution, such documents may be executed by any member of the City Council or any officer of the City delegated the duties of the Finance Officer with the same force and effect as if such documents were executed and delivered by the Finance Officer.

15. The Borrower will pay the administrative fees of the City and pay, or, upon demand, reimburse the City for payment of, any and all costs incurred by the City in connection with the Project and the issuance of the Notes, whether or not the Notes are issued, including any costs for attorneys' fees.

16. This Resolution shall be in full force and effect from and after its approval and publication.  
Adopted 7/21/2006.

**RESOLUTION 2006R-377**  
**By Goodman and Ostrow**

**Amending the 2006 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by establishing the Community Planning and Economic Development Agency Fund Washington Court Apartments (CWC0-890-8952), and appropriating \$8,000 to the CWC0 Fund.

Adopted 7/21/2006.

(Published 7/25/2006)

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the grant award by the State of Minnesota for design and construction of the MacPhail Center for Music project at 501 - 2nd St S, now recommends:

a) Passage of the accompanying resolution establishing the governmental program to be achieved through construction and operation of MacPhail Center for Music;

b) Acceptance of the \$5,000,000 grant from the State of Minnesota for said project, by passage of the accompanying resolution increasing the Department of Community Planning and Economic Development (CPED) Department appropriation by \$5,000,000;

c) That the proper City officers be authorized to execute the following:

1) a grant agreement with the State of Minnesota;

2) a use/lease agreement with MacPhail Center for Music;

3) a ground lease with MacPhail Center for Music, if applicable;

4) a master disbursement agreement with a title company and other funders; and

5) such other documents as necessary to implement said project, in accordance with the terms set forth in the CPED staff report.

Adopted 7/21/2006.

Resolution 2006R-378, establishing the governmental program to be achieved through construction and operation of MacPhail Center for Music in Minneapolis (501-2nd St S), was adopted 7/21/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-378**  
**By Goodman and Ostrow**

**Establishing the governmental program to be achieved through construction and operation of MacPhail Center for Music in Minneapolis.**

Whereas, the City of Minneapolis (the "City") has adopted the *Downtown 2010* plan as a component of the City's Comprehensive Plan (Policy 3.2), and one of the goals set forth in *Downtown 2010* is to strengthen downtown's role as the region's center for arts, entertainment and culture; and

Whereas, the City's Comprehensive Plan also includes policies supporting the promotion of the economic and creative vitality of arts activities based in the City (Policy 6.5) and supporting the role of arts in tourism and community pride (Policy 6.6); and

Whereas, MacPhail Center for Music has been one of Minneapolis' pre-eminent cultural and educational institutions for over fifty years and is one of the unique amenities and arts institutions that Minneapolis desires to retain, enhance, support and promote; and

Whereas, MacPhail Center for Music has an active program to expose Minneapolis and other students to music and musical education and the new center will provide enhanced physical facilities for these educational programs; and

Whereas, MacPhail Center for Music has selected a site in the downtown central riverfront for an expanded music center that will achieve the goals of *Downtown 2010* and the City's goals; and

Whereas, Minnesota Statutes, sections 469.001-469.047, as amended, authorize the establishment of redevelopment projects to provide for the development and redevelopment of selected areas of the City; and

Whereas, On July 25, 1973, the City Council of the City and the Board of the MCDA approved the Industry Square Redevelopment Plan establishing the Industry Square Redevelopment Project; and

Whereas, the site selected for the new MacPhail Center for Music is located within the Industry Square Redevelopment Project; and

Whereas, the objectives of the Industry Square Redevelopment Plan include supplementing the financial base of the community and accomplishing the goals of the *Mississippi/Minneapolis* report; and

Whereas, the *Mississippi/Minneapolis* report identified the Industry Square area as an appropriate location for a cultural center; and

Whereas, the proposed new MacPhail Center for Music is expected to generate significant economic benefits in the form of direct and indirect construction spending, increased tourism and direct and indirect spending by patrons of the institution; and

Whereas, a 2002 study of the impact of arts estimated that the Minneapolis nonprofit arts industry generates \$269.4 million in economic activity annually, including jobs, household income and revenues to local and state government; and

Whereas, the site for the proposed new MacPhail Center for Music is located within a portion of the Industry Square area known as the Historic Mills District, and the *Update to the Historic Mills District Plan* (approved by the City Council in September of 2001) specifically approved the proposed site as a location for commercial development; and

Whereas, Minnesota Statutes, section 469.012, authorizes the City to own, hold and improve real estate within its area of operation and to lease real and/or personal property, and Minnesota Statutes, section 469.155 authorizes the City to acquire, construct, hold and finance projects; and

Whereas, Minnesota Laws 2006, Chapter 258, Article 1, Section 4, Subdivision 4, authorizes the City to undertake the design, construction and operation of the MacPhail Center for Music; to establish the MacPhail Center for Music as a governmental program providing music education, music therapy, and music education programming in public and private schools and in partnership with other organizations; and to appropriate funds for such purposes; and

Whereas, the State of Minnesota has approved a \$5,000,000 grant to the City to design, construct, furnish and equip a new MacPhail Center for Music in the City of Minneapolis; and

Whereas, to satisfy conditions of the State grant, the City must own or ground lease the new MacPhail Center for Music, but may enter into a use/lease agreement with MacPhail Center for Music under which it will take on responsibility for the operation of the musical institution;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the construction, ownership and operation of a new MacPhail Center for Music in the Central Riverfront area will achieve the important public goals of the City identified above.

Be It Further Resolved that the acquisition, construction, ownership, financing, lease and operation of a new MacPhail Center for Music are within the City's authority under Minnesota Statutes, sections 469.001-047, 469.155, Minnesota Session Laws 2006, Chapter 258, Article 1, Section 4, Subdivision 4.

Be It Further Resolved that the governmental program to be achieved by the City's sponsorship of the new MacPhail Center for Music will be to construct, equip and operate a music education center that includes studios, classrooms, and a performance hall, together with education programming, other cultural performances, and related and ancillary uses in the City of Minneapolis, pursuant to which the City expects to support cultural participation and encourage economic development and tourism.

Be It Further Resolved that the City hereby accepts the grant of \$5,000,000 from the State of Minnesota and authorizes the appropriate City officials to execute a grant agreement with the State of Minnesota, a ground lease with MacPhail Center for Music, if applicable, a master disbursement agreement with the State of Minnesota, MacPhail Center for Music and others, a use/lease agreement with MacPhail Center for Music, and such other documents as necessary to implement the project.

Be It Further Resolved that the City Council delegates to the Community Planning and Economic Development Director the authority to approve and certify to the State of Minnesota the annual reporting requirements for the MacPhail Center for Music pursuant to the grant agreement and the use/lease agreement.

Be It Further Resolved that this resolution shall be in full force and effect from and after its passage.  
Adopted 7/21/2006.

**RESOLUTION 2006R-379**  
**By Goodman and Ostrow**

**Amending the 2006 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the Other Grants - State & Local Fund (0600-890-8933) by \$5,000,000.

Adopted 7/21/2006.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration allocation of \$1,000,000 to the Capital Acquisition Revolving Fund, envisioned as a joint multi-family housing and business development program with funds to be used for acquisition of opportunity sites on corridors, particularly for transit-oriented development and mixed-use development, now recommends adoption of the guidelines for the Capital Acquisition Revolving Fund as set forth in the Department of Community Planning & Economic Development staff report.

Your Committee further recommends passage of the accompanying resolution increasing the Community Planning and Economic Development (CPED) Department appropriation in the Community Development Fund by \$750,000 and in the Housing Program Fund by \$250,000.

Adopted 7/21/2006.

**RESOLUTION 2006R-380**  
**By Goodman and Ostrow**

**Amending the 2006 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

- a) Increasing the appropriation for the Community Planning and Economic Development Agency in the Community Development Fund (SPH0-890-8952) by \$750,000; and
- b) Increasing the appropriation for the Community Planning and Economic Development Agency in the Housing Program Fund (SHP0-890-8952) by \$250,000.

Adopted 7/21/2006.

The **HEALTH, ENERGY & ENVIRONMENT** Committee submitted the following reports:

**HE&E** – Your Committee recommends that the proper City officers be authorized to execute a Memorandum of Agreement with the Minneapolis Public Schools for planning for emergency response and crisis management in the schools. Department of Health & Family Support staff will work with representatives of the public schools in the areas of pandemic influenza planning and other areas of public health concern.

Adopted 7/21/2006.

**HE&E** – Your Committee, having under consideration Green Buildings Standards, now recommends passage of the accompanying Resolution adopting the Leadership in Energy and Environmental Design (LEED) standards in the planning, design, construction and commissioning of municipal facilities financed by the City of Minneapolis and utilized by the City's Charter Departments.

Adopted 7/21/2006.

Resolution 2006R-381, adopting the Leadership in Energy and Environmental Design (LEED) standards in the planning, design, construction and commissioning of municipal facilities financed by the City of Minneapolis and utilized by the City's Charter Departments, was adopted 7/21/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-381**

**By Benson, Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Glidden, Schiff, Remington, Colvin Roy, Hodges**

**Adopting the Leadership in Energy and Environmental Design (LEED) standards in the planning, design, construction and commissioning of municipal facilities financed by the City of Minneapolis and utilized by the City's Charter Departments.**

Whereas, a variety of high performance, sustainable, or "green" building standards such as Leadership in Energy and Environmental Design (LEED) have been used in Minnesota and across the nation for the last 15 years and have proven to reduce the consumption of energy and other natural resources, improve building performance, cost efficiency, and building longevity; and

Whereas, the City's staff has successfully completed, starting in 2002, seven large projects utilizing green buildings standards and methodology; and

Whereas, Green Building can assist in meeting Sustainability Indicator Targets related to Air quality, Asthma morbidity, Reduced greenhouse gas emissions, Increased renewable energy, Improved water quality, Increased permeable surfaces, and Brownfield Site cleanup;

Now, Therefore, Be It Resolved by The City Council of the City of Minneapolis:

That the City will utilize the Leadership in Energy and Environmental Design (LEED) standards in the planning, design, construction, and commissioning of municipal facilities financed by the City of Minneapolis and utilized by the City's Charter Departments.

Be It Further Resolved that all new or significantly renovated municipal facilities (financed by the City of Minneapolis and utilized by the City's Charter Departments) of 5,000 square feet or greater, should be built to a LEED Silver level of quality with emphasis in LEED points related to "Energy and Atmosphere", unless otherwise directed by the City Council.

Be It Further Resolved that staff be directed to report back by the end of September on the feasibility of Certified LEED Gold level of quality for the Hiawatha Maintenance Facility.

Be It Further Resolved that at least five City staff members, including but not limited to Community Planning & Economic Development (CPED), Regulatory Services, and Public works, will be LEED Accredited within two years, and that the City, through the environmental services division host a one-day training for all interested and eligible employees on the LEED standards.

Be It Further Resolved that the City Attorney, Director of Accounting and Public Works develop implementation strategies to allow attainment of LEED standards for municipal facilities.

Adopted 7/21/2006.

The **HEALTH, ENERGY & ENVIRONMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**HE&E & W&M/Budget** – Your Committee recommends that the proper City officers be authorized to execute a contract with Minneapolis Special School District #1 to accept up to \$53,460 for the Department of Community Planning & Economic Development to provide a summer education program for Minneapolis youth through the Younger Youth STEP-UP Program. All students will be employed by the City of Minneapolis in work-based activities for up to 24 hours per week during the period June 19 through August 18, 2006.

Adopted 7/21/2006.

**HE&E & W&M/Budget** – Your Committee recommends that the proper City officers be authorized to execute a Public Health Mutual Aid Agreement between 11 metropolitan regional jurisdictions (Anoka County, City of Bloomington, Carver County, Dakota County, City of Edina, Hennepin County, City of Minneapolis, Ramsey County, City of Richfield, Scott County, and Washington County) for response in public health emergencies during the period July 1, 2006 through December 31, 2011. Said Agreement will make personnel, equipment and other resources available to political subdivisions in the event of an emergency, training, drill or exercise.

Adopted 7/21/2006.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

**PS&RS** - Your Committee, having under consideration the application of Trocaderos LLC, dba Trocaderos, 107 3rd Av N, for an On-Sale Liquor Class A with Sunday Sales License (expansion of premises for sidewalk cafe area) to expire July 1, 2007, and having held a public hearing thereon, now recommends that said license be denied.

Adopted 7/21/2006.

**PS&RS** - Your Committee, having under consideration the application of Watermark Restaurants LLC, dba Mission American Kitchen and Bar, 80 S 8th St #124, for an On-Sale Liquor Class E with Sunday Sales License (expansion of premises for sidewalk cafe area) to expire January 1, 2007, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 7/21/2006.

(Published 7/25/2006)

**PS&RS** - Your Committee, having under consideration the application of RWB Development Company LLC, dba Chambers Hotel, 901 Hennepin Av, for an On-Sale Liquor Class B with Sunday Sales License (new business) to expire July 1, 2007, and having held a public hearing thereon, now

recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 7/21/2006.

(Published 7/25/2006)

**PS&RS** - Your Committee, having under consideration the application of Alternative Concepts Inc, dba Kitchen Window, 3001 Hennepin Av, for an On-Sale Wine Class E with Strong Beer License (new business) to expire April 1, 2007, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 7/21/2006.

**PS&RS** - Your Committee, having under consideration the application of Sam Ventures Inc, dba Imperial Room, 417 1st Av N, for an On-Sale Liquor Class B with Sunday Sales License (expansion of premises adding second floor area) to expire July 1, 2007, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 7/21/2006.

**PS&RS** - Your Committee, having under consideration the application of Lurcat LLC, dba Cafe and Bar Lurcat, 1624 Harmon Pl, for an On-Sale Liquor Class C-1 with Sunday Sales License (expansion of premises for sidewalk cafe area) to expire July 1, 2007, and having held a public hearing thereon May 17, 2006, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 7/21/2006.

**PS&RS** - Your Committee recommends passage of the accompanying resolution granting the application of Gas Stop, 3759 Penn Av N, for Grocery, Gasoline Filling Station and Tobacco Licenses, subject to conditions.

Adopted 7/21/2006.

Lilligren moved to substitute a new resolution for the above-mentioned resolution. Seconded.

Adopted upon a voice vote.

The report, with the substitute resolution, was adopted 7/21/2006.

Resolution 2006R-382, granting the application of Gas Stop, 3759 Penn Av N, for Grocery, Gasoline Filling Station and Tobacco Licenses, subject to conditions, was adopted 7/21/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-382**

**By Samuels**

**Granting the application of Gas Stop, 3759 Penn Av N, for Grocery, Gasoline Filling Station and Tobacco Licenses, subject to conditions.**

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by MNS Corp, dba Gas Stop, 3759 Penn Av N, for Grocery, Gasoline Filling Station and Tobacco Licenses (new proprietor) to expire April 1, 2007, subject to the following conditions:

1. "No Trespassing" signs will be posted. Staff will immediately ask people loitering to leave. If they refuse, staff will call 911 and cooperate with police once they arrive.

2. the business will have a minimum of two staff working from 4:00 p.m. to close to ensure monitoring of the exterior and to reduce negative behaviors.

3. the business agrees to actively address security concerns to include loitering, drug sale or use activity, trespassing and management of the trespassing program. The business agrees to cooperate fully in the prosecution of criminal activity.

4. the business agrees not to sell single cigars sometimes referred to as blunts.

5. the business agrees not to sell items which are commonly used by drug users and drug dealers. These items include glass pipes (sometimes with roses inside), Brillo Pads or Chore Boy, small zip lock bags also known as jewelry bags, single use tobacco products to include rolling papers. The business will also agree not to supply matches to non-tobacco customers.

6. the business agrees to keep all lights adequate and functioning properly.

7. all windows will be free of signs and other items that block the view in and out.

8. the licensee shall comply with the Surveillance Camera Ordinance.

9. the licensee agrees to remove the existing pay phone on the premises, and further agrees not to install pay phones either inside or outside the store in the future.

10. the licensee agrees not to install temporary banners or signs on the exterior of the premises, including the fences, walls, or other fixtures on the property.

11. the licensee agrees to clean the property, and the area within 100 feet of the property, of litter and trash twice daily.

12. the business will have operating hours that comply with Zoning Code standards.

Adopted 7/21/2006.

**PS&RS** - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 7/21/2006.

Resolution 2006R-383, granting applications for Liquor, Wine and Beer Licenses, was adopted 7/21/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

### **RESOLUTION 2006R-383**

**By Samuels**

#### **Granting Liquor, Wine and Beer Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

**On-Sale Liquor Class A with Sunday Sales, to expire April 1, 2007**

Karma Entertainment LLC, dba Karma, 315 1st Av N (internal transfer of shares)

**On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2006**

Fourth Street Saloon Inc, dba Fourth Street Saloon, 328 W Broadway (temporary expansion of premises, July 29 & 30, 2006, Noon to 10:00 p.m.)

**On-Sale Liquor Class E with Sunday Sales, to expire August 20, 2006**

Fossland-Olson Inc, dba Scotts 1029 Bar, 1029 Marshall St NE (temporary expansion of premises with outdoor entertainment, August 18 through 20, 2006, 6:00 p.m. to 10:30 p.m.)

**On-Sale Wine Class E with Strong Beer, to expire April 1, 2007**

Old School BBQ Inc, dba Famous Dave's, 4264 Uptown Av S (internal transfer of shares)

**On-Sale Beer Class E, to expire April 1, 2007**

Eastar Buffet Inc, dba Eastar Buffet, 1015 W Lake St (new business)

**Temporary On-Sale Beer**

GLBT Pride/Twin Cities, dba GLBT Pride/Twin Cities, 2738 Queen Av N (June 24, 2006, Noon to 10:00 p.m.; and June 25, 2006, Noon to 6:00 p.m. at Loring Park)

Soap Factory, dba Soap Factory, 518 2nd St SE (July 4, 2006, 8:00 p.m. to Midnight)

Church of St. Anthony of Padua, dba Church of St. Anthony of Padua, 804 2nd St NE (Polka Daze August 6, 2006, Noon to 7:00 p.m.)

St. Cyril & Methodus Church, dba St. Cyril's, 1315 2nd St NE (Festival August 19 & 20, 2006, Noon to 5:00 p.m.).

Adopted 7/21/2006.

**PS&RS** - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.

Adopted 7/21/2006.

Resolution 2006R-384, granting applications for Business Licenses, was adopted 7/21/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-384**

**By Samuels**

**Granting applications for Business Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of July 21, 2006 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 271355):

Christmas Tree; Dancing School; Dry Cleaning & Laundry Pickup Station; Caterers; Confectionery; Food Market Distributor; Grocery; Ice Producer – Dealer/Wholesale; Food Manufacturer; Food Market Manufacturer; Milk & Grocery Delivery Vehicle; Restaurant; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Vending Machine; Gasoline Filling Station; Heating, Air Conditioning & Ventilating Class A; Motor Vehicle Dealer Auctioneer; Motor Vehicle Dealer – Cycles & Motorbikes; Motor Vehicle Dealer – New & Used; Motor Vehicle Dealer – Used Only; Motor Vehicle Dealer – Additional Lot; Motor Vehicle Repair Garage; Motor Vehicle Used Parts Dealer; Commercial Parking Lot Class A; Peddler - Foot; Pet Shop; Plumber; Precious Metal Dealer; Public Market; Recycling/Salvage Yard; Secondhand Goods Class A; Secondhand Goods Class B; Antique Dealer Class B; Exhibition Operator Class A; Solicitor – Company; Solicitor – Individual; Suntanning Facility; Swimming Pool – Public; Tattooist/Body Piercer; Tattooist/Body Piercer Establishment; Taxicab – Neighborhood Rideshare; Taxicab Vehicle; Taxicab Vehicle Non-transferable; Tobacco Dealer; Tree Servicing; and Wrecker of Buildings Class A.

Adopted 7/21/2006.

**PS&RS** - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.

Adopted 7/21/2006.

Resolution 2006R-385, granting applications for Gambling Licenses, was adopted 7/21/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-385**

**By Samuels**

**Granting applications for Gambling Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

**Gambling Lawful Class B**

Church of the Incarnation, dba Church of the Incarnation, 3817 Pleasant Av (Site: Barfly, 711 Hennepin Av)

Edison Booster Club, dba Edison Booster Club, 522 36 1/2 Av NE (Site: Broadway Bar, 2025 W River Rd)

**Gambling Lawful Exempt**

Tree Research & Education Endowment, dba Tree Research & Education Endowment, 711 E Roosevelt Rd, Wheaton, IL (Raffle July 31, 2006 at Hyatt Regency, 1300 Nicollet Mall)

John T Petters Foundation, dba John T Petters Foundation, 4400 Baker Rd, Minnetonka (Raffle and Paddlewheels August 12, 2006 at Hilton Hotel, 1001 Marquette Av)

Church of the Holy Cross, dba Church of the Holy Cross, 1621 University Av NE (Bingo, Raffle, Paddlewheels, Pulltabs and Tip Boards September 16 & 17, 2006 at 1621 University Av NE)

Jewish Family and Children Service, dba Jewish Family and Children Service, 13100 Wayzata Blvd, Minnetonka (Raffle December 9, 2006 at Minneapolis Convention Center).

Northern Star Council BSA, dba Northern Star Council, 393 Marshall Av, St. Paul (Raffle August 21, 2006 at Minikahda Golf Club, 3205 Excelsior)

Helping Paws Inc, dba Helping Paws, 11 7th Av N (Raffle September 9, 2006 at Minneapolis Community & Technical College)

Breast Cancer Awareness Association, dba Breast Cancer Awareness, 2318 Willow Ln, St. Louis Park (Raffle October 7, 2006 at Minneapolis Convention Center).

Adopted 7/21/2006.

**PS&RS** – Your Committee, having under consideration the On-Sale Liquor Class E with Sunday Sales License held by Jewell One, LLC, dba Little Jack's Steak House Restaurant, 201 Lowry Av NE, and having held a license hearing to consider whether adverse license action should be taken for failure to submit fee payments, and failure to comply with business license management requirements, now recommends that the On-Sale Liquor License be revoked.

Adopted 7/21/2006.

**PS&RS** - Your Committee, to whom was referred an ordinance amending Title 4, Chapter 64 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Dogs, Cats, Ferrets and Rabbits*, defining terms, requirements, fees and fines for dangerous and potentially dangerous animals; disposition of animals; and concealing of dangerous animals; and transferring the authority from the Commissioner of Health to Minneapolis Animal Care and Control, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 7/21/2006.

Ordinance 2006-Or-077 amending Title 4, Chapter 64 of the Minneapolis Code of Ordinances relating to *Animals and Fowl: Dogs, Cats, Ferrets and Rabbits*, amending Sections 64.110, 64.120, and 64.130 to define terms, requirements, fees and fines for dangerous and potentially dangerous animals; for the disposition of animals; and for concealing of dangerous animals; and transferring the authority from the Commissioner of Health to Minneapolis Animal Care and Control, was adopted 7/21/2006 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2006-Or-077**  
**By Samuels**  
**Intro & 1st Reading: 6/16/2006**  
**Ref to: PS&RS**  
**2nd Reading: 7/21/2006**

**Amending Title 4, Chapter 64 of the Minneapolis Code of Ordinances relating to Dogs, Cats, Ferrets, and Rabbits.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 64.110 of the above-entitled ordinance be amended to read as follows:

**64.110. Dangerous and potentially dangerous animals.** ~~(a) As used in this section, "dangerous animals" may mean and include:~~

- ~~(1) Any animal which attacks a human being or domestic animal without provocation; or~~
- ~~(2) Any animal with a known propensity, tendency, or disposition to attack unprovoked, to cause injury to or to otherwise endanger the safety of humans or other domestic animals; or~~
- ~~(3) Any animal declared by the animal control officer to be a dangerous animal, as defined herein, or any animal determined to be a dangerous animal under the authority of section 64.120 of this Code.~~

Minneapolis Animal Care & Control may deem any animal as a dangerous animal or a potentially dangerous animal subject to the requirements under this code and under Minnesota State Statute 347.50 subdivision (2), Dangerous Dogs and Minnesota State Statute 347.50 subdivision (3) Potentially Dangerous Dogs.

(a) Definitions.

(1) Dangerous Animal. "Dangerous Animal" means any animal that:

a. without provocation, inflicts substantial bodily harm on a human being on public or private property;

b. kills a domestic animal without provocation while off the owner or custodian's property;

c. has been found to be potentially dangerous, and after the owner or custodian has notice that the animal is potentially dangerous, the animal aggressively bites, attacks or endangers the safety of humans or domestic animals.

(2) Potentially Dangerous Animal. "Potentially Dangerous Animal" means any animal that:

a. when unprovoked inflicts bites on a human or domestic animal on public or private property;

b. when unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the animal owner or custodian's property, in an apparent attitude of attack;

c. has a known propensity, tendency or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

(b) No person owning or harboring or having the care or custody of a dangerous animal shall suffer or permit such animal to go unconfined on the premises of such person. A dangerous animal is "unconfined" as the term is used in this section if such animal is not securely confined indoors or confined in a secure enclosure suitably sized for the animal so confined upon the premises of said person. An "enclosure" is secure within the meaning of this section if it is constructed of heavy gauge steel mesh, or other suitable material; consists of a top and sides, with the bottom of such sides fastened along their perimeter to a slab floor of concrete or other suitable material; where no slab floor is provided, the sides must be embedded into the ground no less than one foot; all access points of the enclosure must be locked when the animal is confined therein. Animal control may seize an animal that has been declared dangerous that is unconfined.

(b) Requirements for Dangerous Animal Declarations:

(1) No person may own or house a Dangerous Animal in the City of Minneapolis unless the animal is registered as provided in this section.

(2) Fine: The owner or custodian of a Dangerous Animal is subject to an administrative fine in the amount of \$200.00 at the time of declaration.

(3) Registration: Within fourteen (14) days of a declaration under this code, the owner or custodian of a Dangerous Animal shall register the animal as a Dangerous Animal with Minneapolis Animal Care & Control and shall pay an annual registration fee of \$200.00 by the date of the initial registration.

(4) Within fourteen (14) days of declaration, the owner or custodian of a Dangerous Animal shall submit evidence that meets the criteria of Minnesota State Statute 347.51 – Subdivision 2, including evidence that the animal is:

a. properly enclosed while on the owner or custodian's property with a clearly visible warning sign. Proper "enclosure" is constructed of heavy gauge steel mesh, or other suitable material; consists of a top and sides, with the bottom of such sides fastened along their perimeter to a slab floor of concrete or other suitable material; where no slab floor is provided, the sides must be embedded into the ground no less than one foot; all access points of the enclosure must be locked when the animal is confined therein;

b. insured for any personal injuries that may be inflicted by the dangerous animal and payable to the injured person(s);

c. properly muzzled and restrained by a three (3) foot leash under the physical restraint of a responsible person when outside the owner or custodian's property;

d. has had microchip identification implanted; and

e. has an easily identifiable tag with the uniform dangerous animal symbol affixed to the animal's collar at all times.

(5) Annual License: The owner or custodian of a Dangerous Animal shall obtain an annual license in the amount of \$75.00.

(6) Should a Dangerous Animal be impounded for any reason, a \$100.00 impound fee and a \$25.00 per day kennel fee will be imposed. The owner or custodian of the animal must pay all fees and fines regardless of the disposition of the animal.

(c) No person owning or harboring, or having the care of a dangerous animal shall suffer or permit such animal to go beyond the premises of such person unless such animal is securely muzzled and restrained with a chain not exceeding three (3) feet in length, and having a tensile strength sufficient to restrain the animal. Animals which are actively participating in recognized local, regional or national trials, training or other such sponsored competition, need not be muzzled while being transported to or from or during such competition.

(c) Requirements for Potentially Dangerous Animal Declarations:

(1) No person may own or house a Potentially Dangerous Animal in the City of Minneapolis unless the animal is registered as provided in this section.

(2) Fine: The owner or custodian of a Potentially Dangerous Animal is subject to an administrative fine in the amount of \$200.00 at the time of declaration.

(3) Registration: Within fourteen (14) days of a declaration under this code, the owner or custodian of a Potentially Dangerous Animal shall register the animal as a Potentially Dangerous Animal with Minneapolis Animal Care & Control and shall pay an annual registration fee of \$100.00 by the date of the initial registration.

(4) Within fourteen (14) days of declaration, the owner or custodian of a Potentially Dangerous Animal shall submit evidence that the animal:

a. is properly muzzled and restrained by no more than a three (3) foot leash under the physical restraint of a responsible person when outside the owner or custodian's property; and

b. has had microchip identification implanted.

(5) Annual License: The owner or custodian of Potentially Dangerous Animals shall obtain an annual license in the amount of \$75.00.

(6) Should a Potentially Dangerous Animal be impounded for any reason, a \$100.00 impound fee and a \$25.00 per day kennel fee shall be imposed. The owner or custodian of the animal must pay all fees and fines regardless of the disposition of the animal.

(d) No person shall own or harbor any animal for the purpose of fighting, or train, torment, badger, bait or use any animal for the purpose of causing or encouraging said animal to unprovoked attacks upon human beings or domestic animals.

(d) Hearings for Dangerous Animals

(1) Thirty (30) days after a dangerous animal declaration is made by Minneapolis Animal Care & Control, the owner or custodian of the declared animal may request a hearing before a Manager of Minneapolis Animal Care & Control or the Manager's designee. Prior to the scheduled hearing, the owner or custodian of the animal shall submit a \$100.00 hearing fee to Minneapolis Animal Care & Control. The hearing officer will consider the Minneapolis Animal Care & Control staff report and evidence offered by the owner or custodian of the dangerous animal. The hearing officer may set limits on the amount of evidence submitted and the length of any testimony offered. The hearing officer shall make a final decision within seven (7) days of the hearing. If a hearing is scheduled and the owner or custodian does not appear, a \$100.00 fee shall be imposed.

(2) Appeal Process: The declaration of a Dangerous Animal made by Minneapolis Animal Care & Control is final unless an appeal is made to the district court or the court of appeals.

(e) Any person harboring or owning a dangerous animal that is found to be in violation of this ordinance shall be subject to the provisions of section 64.120 of this Code.

(e) Record Review for Potentially Dangerous Animals. Thirty (30) days after a Potentially Dangerous Animal declaration, the owner or custodian of the animal may request a review of the declaration by submitting in writing to Minneapolis Animal Care & Control evidence that disputes the declaration. Minneapolis Animal Care & Control shall make a final decision within seven (7) days upon the receipt of the written request, and upon the written submissions only.

(f) Dogs owned and controlled by local, state and federal law enforcement agencies that are used in law enforcement or related activities are exempt from the provisions of this section.

(f) The owner or custodian of any animal declared dangerous under this ordinance shall make the animal available to be photographed for identification by Minneapolis Animal Care & Control at a time and place specified by Minneapolis Animal Care & Control.

(g) Any dog declared dangerous under this ordinance must have a microchip implanted for identification within fifteen (15) days of the date the dog is declared dangerous or the date of a decision in a hearing held pursuant to this chapter, whichever is later. The name of the microchip manufacturer and identification number of the microchip must be provided to animal control. If the microchip is not implanted by the owner, animal control may have a microchip implanted at the owner's expense. All costs related to purchase and implantation of the microchip must be borne by the owner of the dog. Upon request, the owner or custodian of a dangerous dog must make the animal available to animal control for an inspection to determine that a microchip has been implanted.

(g) Minneapolis Animal Care & Control may require that an animal declared dangerous or potentially dangerous under this ordinance be sterilized. If the owner or custodian does not have the animal sterilized, Minneapolis Animal Care & Control may have the animal sterilized at the owner or custodian's expense. Upon request, the owner or custodian of a dangerous or potentially dangerous animal must make the animal available to Minneapolis Animal Care & Control for an inspection to determine that a animal has been sterilized.

(h) The owner or custodian of any dog declared dangerous under this ordinance shall make the dog available to be photographed for identification by animal control at a time and place specified by animal control.

(i) Animal control may require a dog declared dangerous under this ordinance to be sterilized at the owner's expense within fifteen (15) days of the date the dog is declared dangerous or the date of a decision in a hearing held pursuant to this chapter, whichever is later. If the owner does not have the animal sterilized, animal control may have the animal sterilized at the owner's expense. Upon request, the owner or custodian of a dangerous dog must make the animal available to animal control for an inspection to determine that a dog has been sterilized.

(j) (h) Animal control Minneapolis Animal Care & Control may retain custody of any dog animal declared dangerous or potentially dangerous pursuant to Minnesota Statutes, Section 347.50 until the dog is duly and properly registered as required by Minnesota Statutes, Section 347.51. until the animal is duly and properly registered.

(k) (i) The owner or custodian of any dog animal declared dangerous or potentially dangerous must notify animal control Minneapolis Animal Care & Control in writing of the death of the dog animal; its transfer to a residence outside the City of Minneapolis; or its transfer within the City of Minneapolis within thirty (30) days of the death or transfer. If requested by animal control Minneapolis Animal Care

& Control the owner or custodian must execute an affidavit under oath setting forth either the circumstances of the ~~dog's~~ animal's death and disposition or the complete name, address, and telephone number of the person to whom the ~~dog~~ animal has been transferred.

(j) Designation Review. After an animal is finally declared dangerous or potentially dangerous by Minneapolis Animal Care & Control, the owner or custodian of the animal may request that Minneapolis Animal Care & Control review the designation annually. An administrative hearing fee of \$100.00 shall be required prior to such a review. At the review, the owner or custodian must provide evidence that the animal's behavior has changed. If Minneapolis Animal Care & Control finds sufficient evidence that the animal's behavior has changed, Minneapolis Animal Care & Control may rescind the dangerous or potentially dangerous animal designation.

(k) Noncompliance: Failure to comply with the provisions of this ordinance may result in seizure of the animal by Minneapolis Animal Care & Control pursuant to MN stat 347.54 and/or an administrative fine of up to \$2,000.00.

(l) Severability. If any portion of this ordinance should be declared unenforceable, it shall be severed from the ordinance, the remainder of which shall remain in full force and effect.

Section 2. That Section 64.120 of the above-entitled ordinance be amended to read as follows:

**64.120. Disposition of Animals.** (a) ~~The commissioner of health or the commissioner's agent~~ Minneapolis Animal Care & Control is authorized to order the destruction or other disposition of any animal which:

(1) Has bitten one or more persons on two (2) or more occasions, or  
(2) Has caused serious bodily injury or disfigurement to any person, or  
(3) Has engaged in an attack on or exhibited unusually aggressive behavior towards any person or other animal under circumstances which would indicate danger to safety of the person or animal, or

(4) Is prohibited by or found to be in violation of section 64.110 of this Code, or

(5) Is prohibited by section 74.50 of this Code.

~~(b) The commissioner of health or the commissioner's agent~~ Minneapolis Animal Care & Control, after having been advised of the existence of such animal as defined above, shall proceed as follows:

(1) Notification: The owner or custodian of the offending animal shall be notified in writing as to the reasons the animal is subject to disposition under this section and where applicable, the dates, times, and places, of animals or persons bitten, attacked, injured or disfigured, and shall be given three (3) days to request a hearing for a determination as to the disposition of the animal. If the owner does not request a hearing within three (3) days of the notice, ~~the commissioner~~ Minneapolis Animal Care & Control shall make appropriate order including destruction or other proper disposition of the animal. The owner or custodian must immediately make the animal available to the animal control officer at the time the order is issued for the ordered disposition. The animal control officer is authorized to take the animal subject to the order into custody at the time the order is issued or served.

(2) Fine: The owner or custodian of an animal ordered for destruction or other disposition for reasons cited in this section is subject to an administrative fine in the amount of \$200.00 at the time of the order.

(2) (3) Disposition Hearing: If the owner or custodian of an animal requests a hearing ~~for determination as to the dangerous nature of the animal, to appeal an order of disposition,~~ the hearing shall be held ~~before the commissioner~~ at a date not more than ten (10) days after demand for the hearing. The records of the animal control officer shall be admissible for consideration without further foundation. After considering all evidence, ~~the commissioner~~ Minneapolis Animal Care & Control shall make a determination whether or not the animal is dangerous. ~~The commissioner~~ Minneapolis Animal Care & Control shall make an appropriate order, including destruction or other proper disposition of the animal. The owner or custodian shall immediately make the animal available to the animal control officer for the ordered disposition at the time an order is issued. An animal shall not be destroyed by animal control until at least five (5) business days have passed since the issuance of an order for destruction.

(4) Fees: The owner or custodian of an animal ordered for disposition under this section shall pay a \$100.00 impound fee and a \$25.00 per day kennel fee, and any veterinary expenses incurred as a result of the disposition, including costs to euthanize the animal.

~~(3)~~ (c) A dangerous animal running at large shall be apprehended and if the animal bears no identification which reasonably reveals its ownership, the animal control officer shall impound the animal until the five-day holding period required by section 62.40, or, if the animal has bitten, the ten-day quarantine period required by section 66.40, is completed. If the animal has not been claimed, it shall be destroyed at the end of the appropriate period. If the animal is claimed, upon payment of ~~all fines and fees and licensing requirements~~, it shall be released to the person paying such fees if the ~~commissioner of health~~ Minneapolis Animal Care & Control does not proceed in accordance with subsection (b)(1) and ~~(3)~~ (2).

~~(4)~~ (d) ~~The commissioner of health or the commissioner's agent~~ Minneapolis Animal Care & Control may apply to the District Court of Hennepin County for subpoenas for hearings under subparagraph (2) ~~(3)~~ above.

Section 3. That Section 64.130 of the above-entitled ordinance be amended to read as follows:

**64.130. Concealing of dangerous animals.** Any person who harbors, hides or conceals an animal found to be dangerous by the ~~commissioner of health~~ Minneapolis Animal Care & Control which animal has been ordered into custody for destruction or other proper disposition shall be guilty of a misdemeanor.

Adopted 7/21/2006.

**PS&RS** - Your Committee, having received a report from staff relating to Boulevard and sidewalk standards as part of the plan development review process, now recommends approval of the plan to develop standards and criteria for reviews, with a further report back to Committee on August 23, 2006 (Petr No 271356).

Adopted 7/21/2006.

**PS&RS** - Your Committee, having under consideration the following properties which have been deemed by the Director of Inspections to constitute nuisance conditions within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City officers be authorized to demolish the following properties, as more fully set forth in the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and hereby made a part of this report by reference.

a. 3107 6th St N, legally described as Lot 5, Block 8, Morrison's Addition to North Minneapolis (PID #10-029-24-32-0052).

b. 5209 6th St N, legally described as Lot 16, Block 1, Bryant Avenue Addition to Minneapolis (PID #12-118-21-12-0034).

c. 4659 Bryant Av N, legally described as Lot 1, Block 1, Camden Park Addition to Minneapolis (PID #12-118-21-34-0057).

Adopted 7/21/2006.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**PS&RS & W&M/Budget** - Your Committee, to whom was referred ordinances amending the Minneapolis Code of Ordinances relating to Rental Licensing, now recommends the following:

**PS&RS** – that the following ordinances be given their second reading for amendment and passage:

a. Title 12, Chapter 244 relating to *Housing: Maintenance Code*, increasing rental license fees; changing the date to apply administrative fees to November 15th; and changing the expiration date of all licenses and provisional licenses to August 31st of each year.

b. Appendix J relating to *License Fees Schedule*, establishing the annual license fee required for the first dwelling unit.

**W&M/Budget** - that the following ordinances be given their second reading for amendment and passage:

a. Title 12, Chapter 244 relating to *Housing: Maintenance Code*, increasing rental license fees; changing the date to apply administrative fees to November 15th; and changing the expiration date of all licenses and provisional licenses to August 31st of each year.

b. Appendix J relating to *License Fees Schedule*, establishing the annual license fee required for the first dwelling unit.

Your Committee further recommends that to the extent that the 2007 budget anticipates further increases in rental dwelling licenses, that any ordinance amending those fees should be considered contemporaneously with the budget process. Also, that staff may bring forward license fee increases at any time during a calendar year for the purposes of cost recovery.

Samuels moved that the report be amended to approve the Ways & Means/Budget Committee recommendation and to delete the Public Safety & Regulatory Services Committee recommendation. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 7/21/2006.

Ordinance 2006-Or-078 amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Maintenance Code*, amending Sections 244.1860 and 244.1880 to increase rental license fees; change the date to apply administrative fees to November 15th; and change the expiration date of all licenses and provisional licenses to August 31st of each year, was adopted 7/21/2006 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2006-Or-078**  
**By Samuels**  
**Intro & 1st Reading: 6/16/2006**  
**Ref to: PS&RS**  
**2nd Reading: 7/21/2006**

**Amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 244.1860 of the above-entitled ordinance be amended to read as follows.

**244.1860. Expiration; renewal.** All licenses and provisional licenses issued under this article shall expire on ~~September thirtieth~~ August thirty-first of each year, subject to renewal year to year in the manner provided in this article. All licensees and provisional licensees shall apply for renewal of their licenses on a form provided by the director of inspections. The renewal application may be in such abbreviated form as deemed sufficient by the director to verify current information on file concerning the licensee. No license or provisional license shall be granted without payment of the required annual license fee. An individual who is operating a rental dwelling after the license has expired is operating an unlicensed rental dwelling.

Section 2. That Section 244.1880 of the above-entitled ordinance be amended to read as follows.

**244.1880. License fees.** (a) ~~The annual license fee for a rental dwelling license or provisional license is thirty-nine dollars (\$39.00) for the first dwelling unit~~ The annual license fee required under this article for a rental dwelling license for the first dwelling unit shall be as established in Appendix J, License Fee Schedule. The annual license fee shall be and twenty dollars (\$20.00) nineteen dollars (\$19.00) for each additional dwelling unit under common ownership in the same building. A change in ownership shall require a new license application and payment of the license fee. An increase in the number of licensed dwelling units during the license year shall require an amended license application and the payment of an additional license fee to cover the additional units. The annual license fee schedule for licenses issued under this article for each additional dwelling unit under common ownership in the same building shall be reviewed by City Council in 2012.

(b) The annual license fee shall be increased by fifty (50) percent when more than fifteen (15) calendar days late. Late applicants shall not be entitled to prorated license fees. After ~~December 31st~~

November 15<sup>th</sup> of the license year, renewal of an expired license shall require the payment of the administrative fee set forth in (d) instead of the fee set forth in this paragraph.

(c) License fees shall be prorated as follows:

**TABLE INSET:**

Issued during first half of license year..... Full fee

Issued during second half of license year..... 1/2 fee

(d) Operation of an unlicensed dwelling unit shall be subject to an additional administrative fee of two hundred and fifty dollars (\$250.00) for the first dwelling unit, and twenty dollars (\$20.00) for each additional dwelling unit under common ownership in the same building. This fee shall be in addition to any other appropriate enforcement action or fees due.

Adopted 7/21/2006.

Ordinance 2006-Or-079 amending Appendix J of the Minneapolis Code of Ordinances relating to *License Fees Schedule*, establishing the annual license fee required for the first rental dwelling unit, was adopted 7/21/2006 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2006-Or-079**

**By Samuels**

**Intro & 1st Reading: 6/16/2006**

**Ref to: PS&RS**

**2nd Reading: 7/21/2006**

**Amending Appendix J of the Minneapolis Code of Ordinances relating to License Fees Schedule.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Appendix J of the above-entitled ordinance be amended by adding Rental Licensing to read as follows:

<b>License</b>	<b>Ordinance</b>	<b>2004 Fee</b>	<b>2005 Fee</b>	<b>2006 Fee</b>
RENTAL HALL, NEW	266.30		\$1,083.00	\$1,115.00
<u>RENTAL LICENSING</u>				
<u>First Unit</u>	<u>244.1880</u>			<u>\$55.00</u>

Adopted 7/21/2006.

**PS&RS & W&M/Budget** - Your Committee, having under consideration the City's Project Heartbeat Program that saves lives through early defibrillation, now recommends that the proper City officers be authorized to execute a one-year agreement with Cardiac Science Corporation, beginning January 1, 2006, for a marketing partnership arrangement to promote the City's Project Heartbeat Program. Cardiac Science will pay certain marketing support payments and fees to the City in exchange for access to the commercial marketing potential associated with the City. Further, authorizing the receipt of revenues from Cardiac Science, in an estimated amount of \$60,000, and passage of the accompanying resolution appropriating the funds to the Fire Department.

Adopted 7/21/2006.

**RESOLUTION 2006R-386**

**By Samuels and Ostrow**

**Amending The 2006 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Fire Department Agency in the General Fund (010-280-2820) by \$60,000 and increasing the Revenue Source (010-280-2820 – Source 3755) by \$60,000.

Adopted 7/21/2006.

**PS&RS & W&M/Budget** - Your Committee recommends acceptance of low responsive bid received on OP #6621 (Petn No 271359) submitted by Bound Tree Medical, LLC, in the amount of \$290,268, to furnish and deliver chemical nerve agent antidote auto injection for the Fire Department, all in accordance with City specifications, and contingent upon approval by the Civil Rights Department.

Adopted 7/21/2006.

**PS&RS & W&M/Budget** - Your Committee, having previously accepted a donation from US Bancorp in the amount of \$60,000 for the SafeZone Collaborative—Downtown 2006 Administrative Budget, now recommends passage of the accompanying resolution appropriating \$60,000 to the Police Department's budget.

Adopted 7/21/2006.

**RESOLUTION 2006R-387**  
**By Samuels and Ostrow**

**Amending The 2006 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Other Fund (060-400-DT03) by \$60,000 and increasing the Revenue Source (060-400-DT03 – Source 3720) by \$60,000.

Adopted 7/21/2006.

**PS&RS & W&M/Budget** - Your Committee, having previously accepted a grant in the amount of \$200,000 for the purpose of expanding the WorkSite System as part of the SafeZone Collaborative, now recommends passage of the accompanying resolution appropriating \$200,000 to the Police Department's budget.

Adopted 7/21/2006.

**RESOLUTION 2006R-388**  
**By Samuels and Ostrow**

**Amending The 2006 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Other Fund (060-400-DT02) by \$200,000 and increasing the Revenue Source (060-400-DT02 – Source 3715) by \$200,000.

Adopted 7/21/2006.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

**T&PW** - Your Committee, having under consideration the passage of the accompanying resolution approving the Hennepin County Department of Transportation Layout for County State Aid Highway 3 (CSAH 3), W Lake Street from Dupont Av S to Blaisdell Av S, including Lyndale Av S from W 29th St to W 31st St, dated June 19, 2006, as set forth in Petn 271363, now recommends that said Resolution **be sent forward without recommendation.**

Lilligren moved that the report be referred back to the Transportation & Public Works Committee. Seconded.

Lost. Yeas, 1; Nays, 12 as follows:

Yeas - Lilligren.

Nays - Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff, Colvin Roy, Glidden, Remington, Benson, Goodman, Johnson.

Colvin Roy moved that the report be amended by deleting the language "sent forward without recommendation" and inserting in lieu thereof "approved." Seconded.

Adopted by unanimous consent.

Remington called the question. Seconded.

Adopted upon a voice vote.

Absent - Hodges.

The report, as amended, was adopted 7/21/2006. Yeas, 11, Nays, 1 as follows:

Yeas - Samuels, Gordon, Hofstede, Ostrow, Schiff, Colvin Roy, Glidden, Remington, Benson, Goodman, Johnson.

Nays - Lilligren.

Absent - Hodges.

Resolution 2006R-389, approving the Hennepin County Department of Transportation Layout for County State Aid Highway 3 (CSAH 3) Lake Street from Dupont Av S to Blaisdell Av S, including Lyndale Av S from W 29th St to W 31st St, was adopted 7/21/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-389**

**By Colvin Roy**

**Approving the Hennepin County Department of Transportation Layout for County State Aid Highway 3 (CSAH 3) Lake Street from Dupont Av S to Blaisdell Av S including Lyndale Ave S from W 29th St to W 31st St.**

Whereas, the Hennepin County Department of Transportation (County) has proposed the reconstruction of Lake Street from Dupont Av S to Blaisdell Av S in Minneapolis; and

Whereas, the County formed a Project Advisory Committee (PAC) consisting of representatives from the neighborhoods, businesses, and elected officials to assist with providing guidance and recommendations for the project; and

Whereas, the County formed a Technical Advisory Committee (TAC) consisting of stakeholder representatives from the County, City, Metropolitan Transit Commission, and professional service consultants to work on developing the project design and assist the PAC; and

Whereas, with the assistance of the PAC, the City and County have held many meetings and open houses with the adjacent communities to solicit input for the development of the layout; and

Whereas, the City and County Departments of Public Works concur that the layout provides for the existing and future transportation needs and meets State standards; and

Whereas, staff has made its recommendation to the City Council based on said determination;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City approve the Hennepin County Department of Transportation's Layout (dated June 19, 2006) for Lake Street (County State Aid Highway 3) from Dupont Av S to Blaisdell Av S including Lyndale Av S from W 29th St to W 31st St, as submitted.

Adopted 7/21/2006. Yeas, 11; Nays, 1 as follows:

Yeas - Samuels, Gordon, Hofstede, Ostrow, Schiff, Colvin Roy, Glidden, Remington, Benson, Goodman, Johnson.

Nays - Lilligren.

Absent - Hodges.

**T&PW** - Your Committee, having under consideration the Hennepin County Department of Transportation Layout for West Lake Street, now recommends that City staff be directed to work with Hennepin County staff to determine the feasibility of completing the reconstruction of Lake Street from 5th Av to Blaisdell Av by 2010, and return to the T&PW Committee in two cycles with a recommendation.

Colvin Roy moved to substitute the following report for the above report. Seconded.

Adopted upon a voice vote.

**T&PW** - Your Committee, having under consideration the Hennepin County Department of Transportation Layout for West Lake Street, now recommends that a letter dated July 20, 2006 from the Hennepin County Board of Commissioners regarding the segment of Lake Street from 5th Av to Blaisdell Av, as set forth in Petn. No. 271380, be received and filed.

The substitute report was adopted 7/21/2006.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**T&PW & W&M/Budget** - Your Committee, having under consideration the Lynnhurst (Northwest area) Street Renovation, Project No. 2987, and having held a public hearing thereon, now recommends passage of the accompanying resolutions:

a) Ordering the work to proceed and adopting the special assessments for the project in the amount of \$732,079.07; and

b) Requesting the Board of Estimate and Taxation to issue and sell assessment bonds in the amount of \$732,000.

Adopted 7/21/2006.

(Published 7/25/2006)

Resolution 2006R-390, ordering the work to proceed and adopting special assessments in the amount of \$732,079.07 for the Lynnhurst (Northwest area) Street Renovation Project, was adopted 7/21/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-390**  
**By Colvin Roy and Ostrow**

**LYNNHURST (NORTHWEST) STREET RENOVATON PROJECT**  
**SPECIAL IMPROVEMENT OF EXISTING STREET NO 2987**

**Ordering the work to proceed and adopting the special assessments for the Lynnhurst (Northwest area) Street Renovation Project.**

Whereas, a public hearing was held on July 11, 2006, in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2006R-330, passed June 16, 2006 to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2006R-330, passed June 16, 2006.

Be It Further Resolved that the proposed special assessments in the total amount of \$732,079.07 for the Lynnhurst (Northwest) Street Renovation Project, as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that for the Lynnhurst (Northwest) Street Renovation Project, the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at ten (10) and that the interest be charged at the same rate as the assessment bonds are sold for, with collection to begin on the 2007 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the assessment bonds are sold for, with collection of the special assessments on the 2007 real estate tax statements.

Adopted 7/21/2006.

Resolution 2006R-391, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$732,000 for the purpose of paying the assessed cost of street improvements in the Lynnhurst (Northwest area) Street renovation Project, was adopted 7/21/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-391**  
**By Colvin Roy and Ostrow**

**Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$732,000 for certain purposes other than the purchase of public utilities.**

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the Lynnhurst (Northwest) Street Renovation Project, Special Improvement of Existing Street No 2987, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in ten (10) successive annual installments, payable in the same manner as real estate taxes.

Adopted 7/21/2006.

**T&PW & W&M/Budget** - Your Committee, having under consideration the Lake Street East (Hiawatha Avenue to West River Road) Reconstruction and Streetscape Projects, now recommends that the proper City officers be authorized to enter into and execute a Cooperative Construction Agreement with Hennepin County, pending satisfactory review by the City Attorney's Office.

Adopted 7/21/2006.

**T&PW & W&M/Budget** - Your Committee, having under consideration the Flood Area 27 Flood Mitigation and 28th Av S Reconstruction Projects (28th Av S from 38th St E to 40th St E), now recommends passage of the accompanying resolutions:

- a) Increasing the appropriation and revenue for the project by \$406,000, to be reimbursed by MSA Funds; and
- b) Increasing the appropriation and revenue for the project by reallocating \$490,000 of sewer funds from the Flood Area 27 Flood Mitigation Project to the 28th Av S Reconstruction Project.

Adopted 7/21/2006.

**RESOLUTION 2006R-392**  
**By Colvin Roy and Ostrow**

**Amending The 2006 Capital Improvement Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Flood Area 27 Flood Mitigation Project and 28th Av S Reconstruction Project by \$406,000, to be reimbursed by MSA Funds (4100-937-9372-FLA27), as follows:

a) Increasing the appropriation in the PW-Paving Construction-Capital Agency in the Permanent Improvement Projects Fund (4100-937-9372-3215) by \$396,000; and

b) Increasing the appropriation in the PW-Transportation-Capital Agency in the Permanent Improvement Projects Fund (4100-943-9440-3215) by \$10,000.

Adopted 7/21/2006.

**RESOLUTION 2006R-393**  
**By Colvin Roy and Ostrow**

**Amending The 2006 Capital Improvement Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Flood Area 27 Flood Mitigation Project and 28th Av S Reconstruction Project by \$490,000, as follows:

a) Decreasing the appropriation in the PW-Sewer Construction-Capital in the Storm Sewer Enterprise Fund (7300-932-9322) by \$490,000.

b) Increasing the appropriation in the PW-Paving Construction-Capital Agency in the Permanent Improvement Projects Fund (4100-937-9372-3910) by \$480,000; and

c) Increasing the appropriation in the PW-Transportation-Capital Agency in the Permanent Improvement Projects Fund (4100-943-9440-3910) by \$10,000.

Adopted 7/21/2006.

**T&PW & W&M/Budget** - Your Committee, having under consideration a Gateway Entrance Monument to be located at the west City limits on Broadway Avenue, now recommends that the proper City officers be authorized to negotiate and execute a City/County Cooperative Agreement for the construction of the West Broadway City Gateway Entrance Monument Project, pending satisfactory review by the Department of Public Works and the City Attorney's Office.

Adopted 7/21/2006.

**T&PW & W&M/Budget** - Your Committee, having under consideration the construction of the Columbia Heights Membrane Filtration Plant, now recommends that the proper City officers be authorized to execute Amendment No. 3, increasing Contract No. C-017864 with Black & Veatch, by \$189,000, for a revised contract total of \$5,547,000, to allow for physical modifications and software changes. Funds are available within the existing project budget.

Adopted 7/21/2006.

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the following bids submitted to the Public Works Department:

a) OP 6615, Accept low responsive bids of SOS Office Furniture and S & T Office Products, for a total estimated annual expenditure of \$100,000, to furnish and deliver ergonomic chairs as needed through June 30, 2009;

b) OP 6622, Accept low bid of Veit & Company, Inc. in the amount of \$355,717.50, to furnish all labor, materials, equipment, and incidentals necessary to install a baffle wall at Pump Station No. 5;

c) OP 6623, Accept responsive bid of Hawkins, Inc., for an estimated annual expenditure of \$124,000, to furnish and deliver hydrochloric acid; and

d) OP 6627, Accept overall low bid of Lino Lakes Landscaping, Inc., for an estimated annual expenditure of \$280,000, to furnish all labor, materials, equipment, and incidentals necessary to provide turf establishment.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said services, all in accordance with City specifications and contingent upon approval of the Civil Rights Department. (Petr. No. 271364)

Adopted 7/21/2006.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

**W&M/Budget** - Your Committee recommends that the City Attorney be authorized to proceed with the settlement of Daryoosh Tirandazi v. William Bonin, Marie Asgian, and City of Minneapolis, by payment of \$45,000 to Daryoosh Tirandazi and his attorneys, David Forro of Caldecott & Forro, P.L.C. and Gerald Laurie of Laurie & Laurie, P.A. in addition to other valuable considerations.

Your Committee further recommends that the proper City officers be authorized to execute any documents necessary to effectuate said settlement and release of claims.

Adopted 7/21/2006.

Absent - Hodges.

**W&M/Budget** - Your Committee recommends authorization of the settlement in the matter of Western Water Proofing Company / Marshall Field's Skyway Repair by payment in the amount of \$32,200, payable to Western Water Proofing Co.

Your Committee further recommends that the proper City officers be authorized to execute any documents necessary to settle said claim.

Adopted 7/21/2006.

Absent - Hodges.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute a contract with the following parties to generate revenue over 5 years to fund the City's new Computer-Aided Dispatch System:

a) Hennepin County Medical Center	\$504,130
b) Minneapolis Park Board	\$302,124
c) University of Minnesota Police	\$168,040

Adopted 7/21/2006.

Absent - Hodges.

**W&M/Budget** - Your Committee recommends passage of the accompanying Resolution approving construction change orders for contracts related to the New Central Library Project.

Adopted 7/21/2006.

Absent - Hodges.

(Published 7/25/2006)

Resolution 2006R-394, approving construction change orders for contracts related to the New Central Library Project, was adopted 7/21/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-394**

**By Ostrow**

**Approving Change Orders for the New Central Library Project.**

Resolved by The City Council of The City of Minneapolis:

That the following change orders be approved:

a) Change Order No. 5 increasing Contract Number C-21852 with PCL Construction Services, Inc. by \$237,115;

b) Change Order No. 15 increasing Contract Number C-20481 with PCL Construction Services, Inc. by \$109,574; and

c) Change Order No. 13 increasing Contract Number C-20366 with Egan Companies, Inc. d. b .a. Egan Mechanical by \$24,947.

Adopted 7/21/2006.

Absent - Hodges.

**W&M/Budget** - Your Committee recommends approval of the August 2006 utility billing insert on behalf of the Minneapolis Elections Office providing 2006 Minneapolis voter information.

Adopted 7/21/2006.

Absent - Hodges.

**W&M/Budget** – Your Committee recommends acceptance of the First and Second Quarter 2006 list of donations made to the City of Minneapolis valued under \$1,000, as set forth in Petn No 271372 on file in the Office of the City Clerk.

Adopted 7/21/2006.

Absent - Hodges.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to offer Step 6 of the salary scale to the top candidate for the position of Business Application Analyst II in the 911/311 Department.

Adopted 7/21/2006.

Absent - Hodges.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to hire Linda Higgins at Step 7 of the salary scale for the position of Administrative Analyst II for the Problem Property Unit, 249 Program in Operations & Regulatory Services.

Adopted 7/21/2006.

Absent - Hodges.

**W&M/Budget** - Your Committee, having reviewed the 2005 Ethical Practices Board Annual Report, now recommends the following:

a) Receive and file the report.

b) Passage of the accompanying resolution establishing a committee to evaluate the best mechanism for employee reporting of ethics and fraud issues.

c) That the budgetary request be referred to the 2007 budget process.

Adopted 7/21/2006.

Absent - Hodges.

Resolution 2006R-395, establishing a committee to evaluate the best mechanism for employee reporting of ethics and fraud issues, was adopted 7/21/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

#### **RESOLUTION 2006R-395**

**By Ostrow**

**Establishing a committee to evaluate the best mechanism for employee reporting of ethics and fraud issues.**

Whereas, the Minneapolis Code of Ethics was adopted March 21, 2003, establishing the Minneapolis Ethical Practices Board and the Minneapolis Ethics Officer; and

Whereas, the work of the Ethical Practices Board and the Ethics Officer serves the public's interest by providing avenues for employees to bring concerns regarding conflicts of interest, the misuse of city property and funds, the propriety of receiving or giving gifts, and other concerns falling under the Code of Ethics; and

Whereas, the Code of Ethics requires employee reporting of fraud, unlawful use of public funds or property and other potential violations of the Code of Ethics; and

Whereas, the Ethical Practices Board wishes to make it easier and safer for employees to report concerns regarding potential violations of the Code of Ethics; and

Whereas, the City does not currently have a dedicated line for the reporting of potential violations of the Code of Ethics; and

Whereas, other entities, both public and private, utilize various reporting systems to encourage employees to report issues related to ethics policies; and

Whereas, some reporting systems permit anonymous reports, permit ongoing communication with anonymous reporters to follow-up on reported issues to separate legitimate reports from abusive/false/frivolous reports, and are available in multiple media, e.g. internet and 24/7 telephone; and

Whereas, it would be beneficial to the City prior to the implementation of a reporting system to gather information regarding best practices for employee reporting of ethics issues;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That a Committee comprised of the Ethics Officer and a staff representative from the City Coordinators Office, Internal Audit, the Communications Department, Business Enterprise Services, the Human Resources Department, and the Finance Department be created to examine best practices for employee reporting of ethics issues and the funding involved to support said employee reporting of ethics issues.

Be It Further Resolved that the Committee report back monthly to the Ethical Practices Board with status updates and with a final report no later than November 21, 2006.

Be It Further Resolved that the Ethical Practices Board report to the Ways & Means Committee of the City Council on December 18, 2006 regarding the recommendations of the Committee and the Ethical Practices Board regarding employee reporting of ethics issues.

Adopted 7/21/2006.

Absent - Hodges.

**W&M/Budget** - Your Committee, having under consideration the City of Minneapolis Voluntary Employees' Metropass Program, now recommends the following:

a) Authorize the proper City officers to execute a three-year contract, effective August 1, 2006 through July 31, 2009, with the Metropolitan Council as permitted under the City of Minneapolis Voluntary Employees' Metropass Program (the "Metropass Program"). The program price for the first year of the contract will equal \$263,304 (\$69.00 times 318 riders times 12 months). The program price for years two and three of the contract period will be based on the then current cost of an annual Metropass times 12% of eligible City employees. If revenues collected from program participants during the first year of the contract exceed \$263,304, the program price for years two and three of the contract may be adjusted.

b) Direct Human Resources and Finance departments to maintain the Metropass reserve account in the Self-Insurance fund to account for any surplus or deficit in the program.

c) That, in the event a deficit occurs in the Metropass reserve account, authorize proper City officers to adjust expense appropriations in funds that have program participants to reimburse the Self-Insurance fund.

Adopted 7/21/2006.

Absent - Hodges.

(Republished 8/26/2006)

The **ZONING & PLANNING** Committee submitted the following reports:

**Z&P** - Your Committee, having under consideration the appeal filed by Powderhorn Residents Group of condition 'e' from the decision of the Planning Commission granting an application for site plan review at 2401-2419 Bloomington Ave and 2410 16th Ave S for a new multiple family dwelling with

24 units, subject to the following conditions: a) Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, site and landscape plans; b) Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by July 12, 2007, or the permit may be revoked for non-compliance; c) Additional windows or other architectural elements shall be provided on the east and south elevations to prevent blank walls more than 25 feet in length as required by section 530.120 of the zoning code; d) Approval of the rezoning petitions and alley vacation by City Council; e) An 8-foot wide sidewalk, 2-foot wide interior boulevard and a minimum 4 foot wide boulevard shall be provided in the Bloomington Ave right-of-way adjacent to the subject site. Planning staff and Public Works staff shall return to the Planning Commission with final right-of-way layouts. The landscaping in the right-of-way shall be maintained by PRG; f) Ceiling lights in the parking garage shall be shielded to prevent glare from the pedestrians on the adjacent sidewalk; g) Landscaping, with an emphasis on vertical form, shall be provided between the building and the sidewalk along Bloomington Ave and shall comply with CPTED principals; h) An additional type of brick shall be incorporated into the bus shelter design, now recommends that said appeal be granted, subject to review and approval by Public Works of the following conditions: a) Four foot boulevard with trees; b) Seven and a half foot sidewalk; c) Developer to consult with forestry on best brick or sod option for the boulevard; and d) No brick boulevard south of the building jag, and that the related findings prepared by the Community Planning & Economic Development staff be adopted.

Adopted 7/21/2006.

Absent – Hodges.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission relating to the applications of Powderhorn Residents Group (BZZ-2996) for the construction of a new multiple family dwelling with 24 units at 2401-2419 Bloomington Ave and 2410 16<sup>th</sup> Ave S, and adopting the related findings prepared by the Department of Community Planning & Economic Development, as follows:

A. Granting the petition to rezone the properties at 2401-2419 Bloomington Ave and 2410 16<sup>th</sup> Ave S from R2B and R4 to the R5 District, by passage of the accompanying ordinance amending the Zoning Code.

B. Approving the application to vacate an alley (#1476) as part of a developable area to construct a multiple family dwelling, subject to retention of easement rights by Xcel Energy, by passage of the accompanying resolution.

Adopted 7/21/2006.

Absent – Hodges.

Ordinance 2006-Or-080 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 2401-2419 Bloomington Ave and 2410 16<sup>th</sup> Ave S to the R5 District, was adopted 7/21/2006 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2006-Or-080**

**By Schiff**

**1<sup>st</sup> & 2<sup>nd</sup> Readings: 7/21/2006**

**Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcels of land (2401-2419 Bloomington Ave and 2410 16<sup>th</sup> Ave S – Zoning Plate 21), to the R5 District, pursuant to MS 462.357, as follows:

A. Lot 6 and the North 8 inches of Lot 7, Block 4, Gilpatrick's Addition to Minneapolis And That part of Lot 7 lying south of the north 8 inches; All in Block 4, Gilpatrick's Addition to Minneapolis. And Lot 5, Block 4, Gilpatrick's Addition to Minneapolis (2401-2419 Bloomington Ave).

B. And Outlot A, Village in Phillips (2410 16<sup>th</sup> Ave S).

Adopted 7/21/2006.

Absent – Hodges.

Resolution 2006R-396, vacating a portion of the alley on the block bound by Bloomington Ave, 24<sup>th</sup> St E, 16<sup>th</sup> Ave S, and 25<sup>th</sup> St E (#1476, in the vicinity of 2401-2419 Bloomington Ave and 2410 16<sup>th</sup> Ave S), was adopted 7/21/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-396**

**By Schiff**

**Vacating a portion of the alley on the block bound by Bloomington Avenue, 24<sup>th</sup> Street East, 16<sup>th</sup> Avenue South, and 25<sup>th</sup> Street East (#1476, in the vicinity of 2401-2419 Bloomington Ave and 2410 16<sup>th</sup> Ave S).**

Resolved by The City Council of The City of Minneapolis:

That part of the Alley between Lots 5, 6, & 21, Block 4, Gilpatrick's Addition to Minneapolis; and, Outlot A and Lot 1, Block 1, Village in Phillips Addition, all according to the recorded plats thereof, Hennepin County, Minnesota, described as follows:

Beginning at the NE corner of Lot 6, Block 4, Gilpatrick's Addition to Minneapolis, thence west 123.55 feet to the northwest corner of said Lot 6, then north 16 feet, to the southwest corner of Lot 5, Block 4, said Addition; thence, east 135.40 feet, then south 34 feet to a point on the west line of Lot 21, Block 4, said Gilpatrick's Addition; thence west 12 feet to the east line of said Lot 6, then north 18 feet, to the point of beginning

is hereby vacated except that such vacation shall not affect the existing easement right and authority of Xcel Energy, their successors and assigns, to enter upon that portion of the aforescribed alley which is described in regard to each of said corporation(s) as follows, to wit:

As to Xcel Energy, an easement over, under and across the east 30 feet of that part of the East/West alley; and over, under and across all of that part of the North/South alley subject to this action and located between Lots 5 and 6, Block 4, GILPATRICK'S ADDITION TO MINNEAPOLIS,

to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said easement upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.

Adopted 7/21/2006.

Absent – Hodges.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission relating to the applications of Cornell Moore (BZZ-2882) for expansion of an existing office building at 4705 Cedar Ave and 4700-4712 Longfellow Ave, and adopting the related findings prepared by the Department of Community Planning & Economic Development, as follows:

A. Granting the petition to rezone the properties at 4705 Cedar Ave and 4700-4712 Longfellow Ave from C2 and R1A with the SH Shoreland Overlay District, and FP Floodplain Overlay District to the OR2 District with the existing overlay districts, by passage of the accompanying ordinance amending the Zoning Code.

B. Approving the application to vacate an alley (#1487) to expand a building and a parking area, subject to retention of easement rights by Qwest Communications, by passage of the accompanying resolution.

Adopted 7/21/2006.

Absent – Hodges.

Ordinance 2006-Or-081 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 4705 Cedar Ave and 4700-4712 Longfellow Ave to the OR2 District with the SH Shoreland Overlay District and FP Floodplain Overlay District, was adopted 7/21/2006 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2006-Or-081**  
**By Schiff**  
**1st & 2nd Readings: 7/21/2006**

**Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcels of land (4705 Cedar Ave and 4700-4712 Longfellow Ave – Zoning Plate 32), to the OR2 District, pursuant to MS 462.357, as follows:

A. Lots 1 to 9 inclusive, Block 13, "CEDAR AVENUE PARK, MINNEAPOLIS, MINN.," according to the recorded plat thereof, Hennepin County, Minnesota (4700-4712 Longfellow Ave). And

B. Lots 27 through 30 inclusive and N ½ of lot 26, Block 13, "Cedar Avenue Park, Minneapolis, MN," according to the recorded plat thereof, Hennepin County, Minnesota (4705 Cedar Ave).

Adopted 7/21/2006.

Absent – Hodges.

Resolution 2006R-397, vacating the alley on the block bound by Cedar Ave, 47<sup>th</sup> St E, Longfellow Ave and Minnehaha Pkwy E (#1487, in the vicinity of 4705 Cedar Ave and 4700-4712 Longfellow Ave), was adopted 7/21/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-397**  
**By Schiff**

**Vacating the alley on the block bound by Cedar Avenue, 47<sup>th</sup> Street East, Longfellow Avenue and Minnehaha Parkway East (#1487, in the vicinity of 4705 Cedar Ave and 4700-4712 Longfellow Ave).**

Resolved by The City Council of The City of Minneapolis:

All of the alley as platted in Block 13, Cedar Avenue Park Addition to Minneapolis, filed in the Hennepin County Records office, Minneapolis, Minnesota is hereby vacated except that such vacation shall not affect the existing easement right and authority of Qwest, their successors and assigns, to enter upon that portion of the aforescribed alley which is described in regard to each of said corporation(s) as follows, to wit:

As to Qwest: an easement over the north 10 feet of alley, the full width and the south 10 feet of alley, the full width

to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said easement upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.

Adopted 7/21/2006.

Absent – Hodges.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Nichols Land Company, LLC (BZZ-3011) to rezone the properties at 2415, 2419, and 2423 2nd St NE from R2B and C1 to the R3 District to permit construction of a 2-story, 10-unit condominium development, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 7/21/2006.

Absent – Hodges.

Ordinance 2006-Or-082 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the properties at 2415, 2419, and 2423 2nd St NE to the R3 District, was adopted 7/21/2006 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2006-Or-082**  
**By Schiff**  
**1st & 2nd Readings: 7/21/2006**

**Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcels of land, pursuant to MS 462.357:

That part of BS Wrights Addn to Mpls, Lots 11, 12, 13, Block 15 (2415, 2419, and 2423 2<sup>nd</sup> St NE - Plate 9) to the R3 District.

Adopted 7/21/2006.

Absent – Hodges.

**Z&P** - Your Committee, to whom was referred ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code*, to comprehensively examine and revise zoning code provisions as they relate to farmers' markets, now concurs in the recommendation of the Planning Commission that the related findings be adopted, and that the following ordinances be given their second reading for amendment and adoption:

Amending Chapter 520 related to Zoning Code: Introductory Provisions;  
Amending Chapter 535 related to Zoning Code: Regulations of General Applicability;  
Amending Chapter 536 related to Zoning Code: Specific Development Standards;  
Amending Chapter 541 related to Zoning Code: Off-St Parking & Loading;  
Amending Chapter 543 related to Zoning Code: On-Premise Signs;  
Amending Chapter 547 related to Zoning Code: Office Residence Districts;  
Amending Chapter 548 related to Zoning Code: Commercial Districts;  
Amending Chapter 549 related to Zoning Code: Downtown Districts;  
Amending Chapter 550 related to Zoning Code: Industrial Districts.  
Adopted 7/21/2006.  
Absent – Hodges.

Ordinance 2006-Or-083 amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to *Zoning Code: Introductory Provisions*, amending Section 520.160 by adding the definition of Farmers' market, was adopted 7/21/2006 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2006-Or-083**  
**By Schiff**  
**Intro & 1st Reading: 3/31/2006**  
**Ref to: Z & P**  
**2nd Reading: 7/21/2006**

**Amending Title 20, Chapter 520 of the Minneapolis Code of Ordinances relating to Zoning Code: Introductory Provisions.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 520.160 of the above-entitled ordinance be amended to add in alphabetical sequence the definition of Farmer's market to read as follows:

**520.160. Definitions.** Unless otherwise expressly stated, or unless the context clearly indicates a different meaning, the words and phrases in the following list of definitions shall, for the purposes of this zoning ordinance, have the meanings indicated. All words and phrases not defined shall have their common meaning.

*Farmers' market.* A publicly or privately operated, open-air establishment where primarily agricultural products such as raw vegetables, fruits, syrups, herbs, flowers, plants, nuts or handcrafted items are sold. Non-agricultural products may be sold but the area dedicated to such products shall not occupy more than twenty-five (25) percent of the total sales area. Canopies may be allowed in order to provide protection from the elements for both the operators and the products.

Adopted 7/21/2006.  
Absent – Hodges.

Ordinance 2006-Or-084 amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to *Zoning Code: Regulations of General Applicability*, regarding farmers' markets, amending Section 535.340 relating to required findings for temporary uses and amending Section 535.360 relating to permitted temporary uses and structures, was adopted 7/21/2006 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2006-Or-084**  
**By Schiff**  
**Intro & 1st Reading: 3/31/2006**  
**Ref to: Z & P**  
**2nd Reading: 7/21/2006**

**Amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to Zoning Code: Regulations of General Applicability.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 535.340 (3) of the above-entitled ordinance be amended to read as follows:

**535.340. Required findings for temporary uses.** The zoning administrator shall make each of the following findings before issuing a zoning certificate for a temporary use:

(3) The temporary use shall comply with the general standards for the zoning district in which it is located, including but not limited to hours of operation, yard requirements, commercial vehicle parking and signs. The temporary use shall also comply with Chapter 536, Specific Development Standards.

Section 2. That Section 535.360 of the above-entitled ordinance be amended to read as follows:

**535.360. Permitted temporary uses and structures.** The following temporary uses and structures shall be permitted in all zoning districts, except as otherwise specified below, provided such temporary use or structure shall comply with the regulations of the zoning district in which it is located and all other applicable regulations of this ordinance.

(1) Storage of building materials and equipment or temporary buildings. The indoor or outdoor storage of building materials and equipment and temporary buildings for construction purposes may be allowed as a temporary use, provided that such storage or temporary building shall be located on the site under construction and shall not exceed the duration of such construction or one (1) year, whichever is less. The zoning administrator, upon written request, may for good cause shown grant extensions to this time limit.

(2) Temporary real estate tract office. Temporary real estate tract offices for the purpose of conducting the sale of lots of the tract upon which the tract office is located may be allowed as a temporary use, provided such office shall be located on the tract for a period not to exceed one (1) year. The zoning administrator, upon written request, may for good cause shown grant extensions to this time limit.

(3) Temporary amusement events. Indoor or outdoor temporary amusement events, including the erection of tents for such event, may be allowed as a temporary use, provided such use shall not exceed a duration of fifteen (15) days in one (1) calendar year. In the residence and office residence districts, such temporary amusement events shall be located on institutional and public uses property only.

(4) ~~Seasonal outdoor sale of agricultural products~~ holiday items. The seasonal outdoor sale of ~~agricultural products, including but not limited to produce, plants and~~ holiday items, including but not limited to Christmas trees, ~~wreaths and pumpkins~~ may be allowed as a temporary use. Such temporary use shall not exceed a duration of thirty-five (35) days in one (1) calendar year. In the residence and ~~office residence~~ OR1 districts, such seasonal outdoor sale of ~~agricultural products~~ holiday items shall be located on institutional and public uses property only.

(5) Farmers' markets. Farmers' markets may be allowed as a temporary use. Such temporary use shall not exceed a duration of seventy-five (75) days in one (1) calendar year. In the residence and OR1 districts, farmers' markets shall be located on institutional or public uses sites or on zoning lots of not less than twenty thousand (20,000) square feet. Temporary farmers' markets shall not be located in the I3 zoning district.

(56) Promotional activities involving outdoor sales and display. Outdoor sales and display not otherwise allowed, may be allowed as a temporary use, provided such use shall not be located in a residence or office residence district. Such temporary use shall not exceed a duration of fifteen (15) days in one (1) calendar year.

(67) *Searchlights*. Searchlights may be allowed in the commercial and downtown districts as a temporary use, provided such use shall not exceed a duration of three (3) consecutive days and no more than fifteen (15) days in one (1) calendar year.

(78) *Additional temporary uses*. In addition to the temporary uses and structures listed above, the zoning administrator may allow other temporary uses and structures, not exceeding fifteen days (15) in one (1) calendar year, provided the zoning administrator determines that the proposed temporary use or structure is substantially similar to a temporary use or structure listed above in the manner provided

for in Chapter 525, Administration and Enforcement, governing determination of substantially similar uses.

Adopted 7/21/2006.

Absent – Hodges.

Ordinance 2006-Or-085 amending Title 20, Chapter 536 of the Minneapolis Code of Ordinances relating to *Zoning Code: Specific Development Standards*, amending Section 536.20 relating to Farmers' market, was adopted 7/21/2006 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2006-Or-085**

**By Schiff**

**Intro & 1st Reading: 3/31/2006**

**Ref to: Z & P**

**2nd Reading: 7/21/2006**

**Amending Title 20, Chapter 536 of the Minneapolis Code of Ordinances relating to Zoning Code: Specific Development Standards.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 536.20 of the above-entitled ordinance be amended to add in alphabetical sequence the definition of Farmers' market to read as follows:

**536.20. Specific development standards.** The uses listed below are subject to the following specific development standards, in addition to all other applicable regulations:

**Farmers' market.**

(1) A scaled and dimensioned site plan showing the layout of the entire market area, including parking spaces for the use, shall be submitted.

(2) All vehicles necessary for the operation of the use shall be located on a dustless all-weather hard surface capable of carrying a wheel load of four thousand (4,000) pounds and shall not remain idling while the use is open.

(3) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.

(4) Canopies shall be securely fastened so as to stay in place during inclement weather. Canopies for temporary farmers' markets shall be removed during days that the farmers' market is not open to the public.

(5) Farmers' markets shall be exempt from the enclosed building requirements of the zoning ordinance.

Adopted 7/21/2006.

Absent – Hodges.

Ordinance 2006-Or-086 amending Title 20, Chapter 541 of the Minneapolis Code of Ordinances relating to *Zoning Code: Off-Street Parking and Loading*, regarding farmers' markets, amending Table 541-1 relating to Specific Off-Street Parking Requirements, was adopted 7/21/2006 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2006-Or-086**  
**By Schiff**  
**Intro & 1st Reading: 3/31/2006**  
**Ref to: Z & P**  
**2nd Reading: 7/21/2006**  
**Amending Title 20, Chapter 541 of the Minneapolis Code of Ordinances relating to Zoning Code: Off-Street Parking and Loading.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the following portion of Table 541-1 of the above-entitled ordinance be amended to read as follows:

**Table 541-1 Specific Off-Street Parking Requirements**

Use	Minimum Parking Requirement	Notes (see 541.170)
<b>COMMERCIAL USES</b>		
<b>Retail sales and services</b>		
Exterminating shop excess of 4,000 sq. ft.	1 space per 300 sq. ft. of GFA in	2
Farmer's <u>Farmers'</u> market	<del>1 space per 300 sq. ft. of GFA in excess of 4,000 sq. ft. + 1 space per 1000 sq. ft. of outdoor sales or display area</del> 1 space per 2,000 square feet of sales area, except where approved as a temporary use	3
Firearms dealer	1 space per 300 sq. ft. of GFA in excess of 4,000 sq. ft.	1

Adopted 7/21/2006.

Absent – Hodges.

Ordinance 2006-Or-087 amending Title 20, Chapter 543 of the Minneapolis Code of Ordinances relating to *Zoning Code: On-Premise Signs*, regarding farmers' markets, adding a new Section 543.115 relating to Special Provisions for Specific Uses, was adopted 7/21/2006 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2006-Or-087**  
**By Schiff**  
**Intro & 1st Reading: 3/31/2006**  
**Ref to: Z & P**  
**2nd Reading: 7/21/2006**  
**Amending Title 20, Chapter 543 of the Minneapolis Code of Ordinances relating to Zoning Code: On-Premise Signs.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Chapter 543 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 543.115 to read as follows:

**543.115. Farmers' market.** Notwithstanding the provisions of Tables 543-1 Specific Standards for Signs in the Residence and OR1 Districts, 543-2, Specific Standards for Signs in the OR2, OR3 and Commercial Districts, 543-3, Specific Standards for Signs in the Downtown Districts, and 543-4 Specific Standards for Signs in the Industrial Districts, signage accessory to a farmers' market shall be limited to one (1) square foot of signage per one (1) foot of street frontage of the zoning lot. One (1) freestanding sign shall be allowed per zoning lot. Freestanding signs shall not exceed fifty-four (54) square feet in area and twenty (20) feet in height. All other signs shall not exceed forty-five (45) square feet in area and fourteen (14) feet in height. Signs for temporary farmers' markets shall not be permanently installed on the site.

Adopted 7/21/2006.

Absent – Hodges.

Ordinance 2006-Or-088 amending Title 20, Chapter 547 of the Minneapolis Code of Ordinances relating to *Zoning Code: Office Residence Districts*, regarding farmers' markets, amending Table 547-1 relating to Principal Uses in the Office Residence Districts, was adopted 7/21/2006 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2006-Or-088**

**By Schiff**

**Intro & 1st Reading: 3/31/2006**

**Ref to: Z & P**

**2nd Reading: 7/21/2006**

**Amending Title 20, Chapter 547 of the Minneapolis Code of Ordinances relating to Zoning Code: Office Residence Districts.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the following portion of Table 547-1 of the above-entitled ordinance be amended to read as follows:

**Table 547-1 Principal Uses in the Office Residence Districts**

Use	OR1	OR2	OR3	Specific Development Standards
<b>COMMERCIAL USES</b>				
Clinic, medical or dental	C	P	P	
<u>Farmers' market</u>	<u>P</u>	<u>P</u>		✓
Funeral home	C	C		✓

Adopted 7/21/2006.

Absent – Hodges.

Ordinance 2006-Or-089 amending Title 20, Chapter 548 of the Minneapolis Code of Ordinances relating to *Zoning Code: Commercial Districts*, regarding farmers' markets, amending Table 548-1 relating to Principal Uses in the Commercial Districts, was adopted 7/21/2006 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2006-Or-089**  
**By Schiff**  
**Intro & 1st Reading: 3/31/2006**  
**Ref to: Z & P**  
**2nd Reading: 7/21/2006**

**Amending Title 20, Chapter 548 of the Minneapolis Code of Ordinances relating to Zoning Code: Commercial Districts.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the following portion of Table 548-1 of the above-entitled ordinance be amended to read as follows:

**Table 548-1 Principal Uses in the Commercial Districts**

Use	C1	C2	C3A	C3S	C4	Specific Development Standards
<b>COMMERCIAL USES</b>						
<b>Retail Sales and Services</b>						
Exterminating shop					P	
<u>Farmers' market</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	✓
Firearms dealer					C	✓
Adopted 7/21/2006.						
Absent – Hodges.						

Ordinance 2006-Or-090 amending Title 20, Chapter 549 of the Minneapolis Code of Ordinances relating to *Zoning Code: Downtown Districts* regarding farmers' markets, amending Table 549-1, Principal Uses in the Downtown Districts, was adopted 7/21/2006 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2006-Or-090**  
**By Schiff**  
**Intro & 1st Reading: 3/31/2006**  
**Ref to: Z & P**  
**2nd Reading: 7/21/2006**

**Amending Title 20, Chapter 549 of the Minneapolis Code of Ordinances relating to Zoning Code: Downtown Districts.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the following portion of Table 549-1 of the above-entitled ordinance be amended to read as follows:

**Table 549-1 Principal Uses in the Downtown Districts**

Use	B4	B4S	B4C	Specific Development Standards
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**COMMERCIAL USES****Retail Sales and Services**

Exterminating shop	P			
<u>Farmers' market</u>	<u>P</u>	<u>P</u>	<u>P</u>	✓
Firearms dealer	C	✓		
Adopted 7/21/2006.				
Absent – Hodges.				

Ordinance 2006-Or-091 amending Title 20, Chapter 550 of the Minneapolis Code of Ordinances relating to *Zoning Code: Industrial Districts*, regarding farmers' markets, amending: Table 550-1 relating to Commercial Uses; Section 550.210 relating to Enclosed building requirement, Outdoor sales and display; Section 550.280 relating to Enclosed building requirement, Outdoor sales and display; and Section 550.330 relating to Enclosed building requirement, Outdoor sales and display, was adopted 7/21/2006 by the City Council.

A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

**ORDINANCE 2006-Or-091**  
**By Schiff**  
**Intro & 1st Reading: 3/31/2006**  
**Ref to: Z & P**  
**2nd Reading: 7/21/2006**

**Amending Title 20, Chapter 550 of the Minneapolis Code of Ordinances relating to Zoning Code: Industrial Districts.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the following portion of Table 550-1 of the above-entitled ordinance be amended to read as follows:

**Table 550-1 Principal Uses in the Industrial Districts**

Use	I1	I2	I3	Specific Development Standards
<b>COMMERCIAL USES</b>				
<b>Retail Sales and Services</b>				
Day labor agency	C	C	P	✓
<del>Farmer's</del> <u>Farmers'</u> market	<del>E</del>	<u>P</u>	<del>E</del> <u>P</u>	✓
Liquor store, off-sale		C	C	✓

Section 2. That Section 550.210 (c) of the above-entitled ordinance be amended to read as follows:

**550.210. Enclosed building requirement.**

(c) *Outdoor sales and display.* The following uses may include outdoor sales and display provided such outdoor sales and display area shall be no closer than twenty (20) feet from an adjacent residence or office residence district boundary or from an adjacent ground floor permitted or conditional residential use, and shall be screened from such district boundary or residential use as specified in Chapter 530, Site Plan Review:

- (1) Building materials sales.
- (2) Direct refueling of motor vehicles.
- ~~(3) Farmer's market.~~
- ~~(4) Permitted drive-through facilities.~~

(54) Truck, trailer, boat, or recreational vehicle, sales, service or rental, subject to the regulations of this chapter governing the outdoor parking of trucks and other commercial vehicles.

(65) Lawn and garden sales.

Section 3. That Section 550.280 (c) of the above-entitled ordinance be amended to read as follows:

**550.280. Enclosed building requirement.**

(c) *Outdoor sales and display.* The following uses may include outdoor sales and display provided such outdoor sales and display area shall be no closer than twenty (20) feet from an adjacent residence or office residence district boundary or from an adjacent ground floor permitted or conditional residential use, and shall be screened from such district boundary or residential use as specified in Chapter 530, Site Plan Review:

(1) Building materials sales.

(2) Direct refueling of motor vehicles.

~~(3) Farmer's market.~~

~~(43)~~ Permitted drive-through facilities.

(54) Truck, trailer, boat, or recreational vehicle, sales, service or rental, subject to the regulations of this chapter governing the outdoor parking of trucks and other commercial vehicles.

(65) Lawn and garden sales.

Section 4. That Section 550.330 (1) of the above-entitled ordinance be amended to read as follows:

**550.330. Enclosed building requirement.** All production, processing, storage, sales, display or other business activity in the I3 District shall be subject to the provisions of this section.

(1) *Outdoor sales and display.* The following uses may include outdoor sales and display provided such outdoor sales and display area shall be no closer than twenty (20) feet from an adjacent residence or office residence district boundary or from an adjacent ground floor permitted or conditional residential use, and shall be screened from such district boundary or residential use as specified in Chapter 530, Site Plan Review:

a. Building materials sales.

b. Direct refueling of motor vehicles.

~~c. Farmer's market.~~

~~d.~~ Permitted drive-through facilities.

~~e.~~ Truck, trailer, boat, or recreational vehicle, sales, service or rental, subject to the regulations of this chapter governing the outdoor parking of trucks and other commercial vehicles.

~~f.~~ Lawn and garden sales.

Adopted 7/21/2006.

Absent – Hodges.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of the Hennepin County Taxpayer Services Department (BZZ-3061) to rezone the property at 3445 1<sup>st</sup> Ave S from R2B to the R3 District to permit construction of a 4-unit townhome development and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 7/21/2006.

Absent – Hodges.

Ordinance 2006-Or-092 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 3445 1<sup>st</sup> Ave S to the R3 District, was adopted 7/21/2006 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2006-Or-092**  
**By Schiff**  
**1st & 2nd Readings: 7/21/2006**

**Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That part of Lots 10 and 11, 2ND ADDN to MPLS (3445 1<sup>st</sup> Ave S - Plate 25) to the R3 District.

Adopted 7/21/2006.

Absent – Hodges.

**Z&P** – Your Committee concurs in the recommendation of the Heritage Preservation Commission approving applications of Joan and Mark Mullen for historic variances to allow an accessory dwelling and vary the height standard for a carriage house garage for the historically designated Brooberg residence located at 727 E 24<sup>th</sup> St, and adopting the related findings prepared by Historic Preservation Commission staff.

Adopted 7/21/2006.

Absent – Hodges.

**MOTIONS**

Ostrow moved that the regular payrolls for all City employees under City Council jurisdiction for the month of August, 2006, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 7/21/2006.

Absent – Hodges, Colvin Roy.

Johnson moved to appoint Council Member Robert Lilligren to the Bike-Walk Advisory Council for Transit for Livable Communities and Council Member Sandy Colvin Roy as alternate. Seconded.

Adopted 7/21/2006.

Absent – Hodges, Colvin Roy.

Schiff moved that the Zoning & Planning Committee be discharged from further consideration of the Planning Commission recommendation for approval of the application of Duane Thorpe to vacate an interior boulevard/partial street in the vicinity of 1512 34<sup>th</sup> St W. Seconded.

Adopted 7/21/2006.

Absent – Hodges, Colvin Roy.

Schiff moved concurrence in the recommendation of the Planning Commission granting the application of Duane Thorpe (#1488) to vacate all of the north 7 feet of 34<sup>th</sup> St W and all of the south 7 feet of 34<sup>th</sup> St W, lying between Irving Ave S and Humboldt Ave S, excepting those areas for alley purposes (the interior boulevards in the vicinity of 1512 34<sup>th</sup> St W), to provide land to the adjacent property owners, subject to retention of easement rights by Xcel Energy, notwithstanding staff recommendation, and to adopt the related finding by the City Planning Commission that the right of way in question is not needed for a public purpose.

Schiff further moved passage of the accompanying resolution vacating said interior boulevard/partial street. Seconded.

Adopted 7/21/2006.

Absent – Hodges, Colvin Roy.

Resolution 2006R-398, vacating all of the north 7 feet of 34th St W and all of the south 7 feet of 34th St W, lying between Irving Ave S and Humboldt Ave S excepting those areas for alley purposes (#1488), was adopted 7/21/2006 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2006R-398**

**By Schiff**

**Vacating all of the north 7 feet of 34<sup>th</sup> Street West and all of the south 7 feet of 34<sup>th</sup> Street West, lying between Irving Avenue South and Humboldt Avenue South excepting those areas for alley purposes (#1488).**

Resolved by The City Council of The City of Minneapolis:

That all of a seven (7) foot strip of 34<sup>th</sup> Street West located immediately south of, and parallel to the south line of Lot 15, Block 1, MC Crory's Rearrangement of Parts of Blocks 48 & 49, Calhoun Park Addition to Minneapolis; excepting the alley as extended south; and, a seven (7) foot strip of 34<sup>th</sup> Street West located immediately south of, and parallel to the south line of Lot 6, Block 49, Calhoun Park Addition to Minneapolis; excepting the alley as extended south; and a seven (7) foot strip of 34<sup>th</sup> Street

West located immediately north of, and parallel to the north line of Lots 1 and 14, Block 54, said Calhoun Park Addition to Minneapolis; excepting the alley as extended north. All according to the recorded plats thereof, Hennepin County, Minnesota is hereby vacated except that such vacation shall not affect the existing easement right and authority of Xcel Energy, their successors and assigns, to enter upon that portion of the aforescribed alley which is described in regard to said corporation(s) as follows, to wit:

**As to Xcel:** The north 7 feet of 34<sup>th</sup> Street West lying between the southerly extensions of the east and west lines of Lot 15, Block 49, CALHOUN PARK, according to the recorded plat thereof on file and of record in Office of the County Recorder in and for Hennepin County, Minnesota.

to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said alley upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.

Adopted 7/21/2006.

Absent – Hodges, Colvin Roy.

Lilligren, on behalf of Colvin Roy, introduced the subject matter of an ordinance amending Appendix G of the Minneapolis Code of Ordinances relating to *Bus Stop Shelters Franchise*, which was given its first reading and referred to the Transportation & Public Works Committee (regarding the transfer of the Transtop Bus Shelter Franchise to CBS Outdoor).

**UNFINISHED BUSINESS**

**PS&RS** - Your Committee, having under consideration the property located at 3928 10th Av S which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, and a recommendation by both the Department

of Inspections and Community Planning & Economic Development (CPED) to demolish the property, now recommends that said property be sent forward without recommendation.

Glidden moved that the report be deleted. Seconded.

Adopted upon a voice vote 7/21/2006.

Absent – Hodges, Colvin Roy.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to amend the Unisys Managed Services Contract C-18881, to accommodate an increase in scope in the amount of \$239,325 to extend SafeZone Cameras to the Cedar Riverside Neighborhood. Services to provide 7 wireless video camera units, network monitoring and recording, electrical, cabling, wireless needs, and storage.

Your Committee further recommends passage of the accompanying Resolution appropriating \$239,325 in the Information & Technology Services Agency.

Hofstede moved approval of the following staff direction:

“The City Council directs the City Coordinator to work with the Chief of Police to design a fair and open selection process for the future placement of safety/security cameras. Priority will be given to those camera system projects that:

- a) serve areas that have the highest crime rates according to CODEFOR statistics.
- b) cover commercial areas with substantial vehicle and pedestrian traffic.
- c) can demonstrate community support.

Staff will report to Council within 60 days with a proposed selection process.” Seconded.

Adopted upon a voice vote.

Absent - Hodges, Colvin Roy.

Gordon moved to reconsider the Hofstede motion. Seconded.

Adopted upon a voice vote.

Absent - Hodges, Colvin Roy.

Lilligren moved that the following substitute motion be referred to the Public Safety & Regulatory Services Committee:

“The City Council directs the City Coordinator to work with the Chief of Police to design a fair and open selection process for the future placement of safety/security cameras.

PS&RS will report to the Council within 60 days with a proposed selection process.” Seconded.

Adopted upon a voice vote 7/21/2006.

Absent - Hodges, Colvin Roy.

The report was adopted 7/21/2006. Yeas - 10, Nays, 1 as follows:

Yeas - Samuels, Gordon, Hofstede, Ostrow, Schiff, Lilligren, Glidden, Goodman, Johnson, Remington.

Nays - Benson.

Absent - Hodges, Colvin Roy.

#### **RESOLUTION 2006R-399**

**By Ostrow**

#### **Amending The 2006 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Information & Technology Services Agency in the Intergovernmental Service Fund (6400-880-8870-5070 Project 880F5335) by \$239,325; and increasing the revenue source (6400-880-8870 - Source 3455) by \$239,325.

Adopted 7/21/2006. Yeas, 10; Nays, 1 as follows:

Yeas - Samuels, Gordon, Hofstede, Ostrow, Schiff, Lilligren, Glidden, Goodman, Johnson, Remington.

Nays - Benson.

Absent - Hodges, Colvin Roy.

**NEW BUSINESS**

Goodman introduced an ordinance amending Title 20, Chapter 549 of the Minneapolis Code of Ordinances relating to *Zoning Code: Downtown Districts*, which was given its first reading and referred to the Zoning & Planning Committee (amending Section 549.330 re Regulated uses, to state that sexually oriented uses shall not be subject to Minnesota Statute Section 617.242).

Goodman introduced an ordinance amending Title 13, Chapter 349 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Wreckers and Tow Trucks*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (adding a new Section 349.270 establishing a maximum service fee for licensees performing Class A Motor Vehicle Service and requiring that licensees performing Class A Motor Vehicle Service accept all forms of payment accepted by the City of Minneapolis impound facility).

Samuels introduced an ordinance amending Appendix J of the Minneapolis Code of Ordinances relating to *License Fees Schedule*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (increasing license fees to account for inflationary increases incurred from 2005 to 2006).

Colvin Roy introduced an ordinance amending Title 17, Chapter 477 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: Parades/Races*, which was given its first reading and referred to the Transportation & Public Works Committee (instituting a fee for the posting of temporary "No Parking" signs along parade and/or race routes).

Lilligren moved to adjourn. Seconded.  
Adopted upon a voice vote 7/21/2006.  
Absent - Hodges, Colvin Roy.

Merry Keefe,  
City Clerk.

Unofficial Posting: 7/24/2006  
Official Posting: 7/28/2006  
Corrections: 9/20/2006